



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the amended conflict-of-interest codes of the following:

AMENDMENT

MULTI-COUNTY

AGENCY: Southern CA Association of Governments Yolo-Solano Air Quality Management District

A written comment period has been established commencing on **January 26, 2007** and closing on **March 12, 2007**. Written comments should be directed to the Fair Political Practices Commission, attention **Trish Mayer**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code section 87300, which designate, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **March 12, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. MENDOCINO WINEGRAPE AND WINE COMMISSION

Notice is hereby given that the Mendocino Winegrape and Wine Commission intends to adopt a conflict of interest code pursuant to Government Code Sections 87300 and 87306. Pursuant to Government Code Sections 87300-87302, the Code will designate employees who must disclose certain investments, income, interest in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing January 26, 2007 and terminating on March 27, 2007. Any interested person may present written comments concerning the proposed code no later than March 27, 2007, to the Mendocino Winegrape and Wine Commission, c/o Jill S. England, P.O. Box 191167, Sacramento, California 95819. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than fifteen (15) days prior to the close of the written comment period, a public hearing.

The Mendocino Winegrape and Wine Commission has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all the information upon which its proposal is based.

The adoption of the proposed Code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; will not result in any non-discretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Mendocino Winegrape and Wine Commission must determine that no alternative considered by the Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons and the proposed action.

Copies of the proposed Code and all the information upon which it is based, may be obtained from the Mendocino Winegrape and Wine Commission by contact-

ing Jill S. England, General Counsel, at (916) 452-2602 or jillengland@sbcglobal.net

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.124.1, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend existing Regulation Section 1859.124.1 under the authority provided by Sections 17070.35 and 17075.15 of the Education Code. The proposal interprets and makes specific reference to Sections 17077.40, 17077.42 and 17077.45 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The State Allocation Board adopted proposed regulatory amendments at its September 27, 2006 meeting for

the purpose of allowing SFP funding for joint-use gymnasiums at elementary schools that also serve 7–8 grade level pupils. The California Department of Education was consulted and is supportive of gymnasiums being placed on K–8 campuses. The following regulation section is amended:

Existing Regulation Section 1859.124.1 states that a gymnasium can only be funded at an elementary school joint-use facility (K–6 and K–8) if there is no multipurpose room, or the existing multipurpose room is inadequate (less than 60 percent of the State standard for a minimum essential facility). The proposed amendment would allow for a gymnasium to be constructed in addition to an existing adequate multipurpose room on the school site for purposes of serving 7–8 grade level students.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.

- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than March 12, 2007 at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445–5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445–0083. If Mr. Young is unavailable, these questions may be directed to Lisa Jones, Supervisor, Regulations Team, at (916) 322–1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO REPEAL, ADOPT, AND AMEND THE FOLLOWING REGULATION SECTIONS, ALONG WITH ASSOCIATED FORMS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998 AND THE STATE SCHOOL DEFERRED MAINTENANCE ACT

SCHOOL FACILITY PROGRAM REGULATIONS

THE FOLLOWING REGULATION SECTION IS REPEALED: 1859.162.1.

THE FOLLOWING REGULATION SECTIONS ARE ADOPTED: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7 AND 1859.169.1.

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1859.2, 1859.51, 1859.60, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167 AND 1859.167.1.

THE FOLLOWING FORMS ARE AMENDED

Application for Funding, Form SAB 50-04, (Revised 09/06), referenced in Regulation Section 1859.2

Fund Release Authorization, Form SAB 50-05, (Revised 09/06), referenced in Regulation Section 1859.2

Expenditure Report, Form SAB 50–06, (Revised 09/06), referenced in Regulation Section 1859.2

Application for Charter School Preliminary Apportionment, Form SAB 50–09, (Revised 09/06), referenced in Regulation Section 1859.2

STATE SCHOOL DEFERRED MAINTENANCE PROGRAM

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1866.4 AND 1866.13.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections and associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to repeal, adopt, and amend the above regulation sections under the authority provided by Sections 17070.35, 17075.15 and 17078.64 of the Education Code, and Section 15503 of the Government Code. The proposals interpret and make specific reference to Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.10, 17072.11, 17072.15, 17072.20, 17073.15, 17073.20, 17074.10, 17074.15, 17074.16, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.54, 17078.56, 17078.58, 17582, 17584.1, 17587, 17591, 101012(a)(5) and 101012(a)(8) of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per–pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by

the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The SAB at its September 27, 2006 meeting adopted proposed emergency regulations for the purpose of implementing provisions contained in Assembly Bill (AB) 127, Chapter 35, Statutes of 2006. AB 127 established the Kindergarten–University Public Education Facilities Bond Act of 2006, providing \$10.416 billion in bonds for educational facilities, of which \$7.329 billion is earmarked for K–12 projects. This is the Proposition 1D school bond measure which was approved by voters at the November 7, 2006 general election. Additionally, the SAB at its October 25, 2006 meeting adopted proposed emergency regulatory amendments to clarify its September 27, 2006 regulatory action.

AB 127 modifies and adds several new SFP components, and provides funding for new and existing components of the SFP, including:

- Additional funding is provided to continue the New Construction, Modernization, Small High School (500 pupils or less), and Joint–Use Programs.
- High Performance Schools. Up to \$100 million is made available for districts with projects that meet “high performance” rating criteria for components such as energy, water, natural lighting, air quality, use of recycled and low–toxin materials, and learning–enhancing acoustics for construction projects.
- Charter School Facilities Program. \$500 million is made available for the program, and a new project category is created called charter school rehabilitation projects. There are funding changes and alternatives to the impact on a school district’s new construction baseline eligibility when a charter school receives funding for the construction of a school.
- Grant Increases. The new construction per–pupil grant is increased by seven percent for the elementary and middle school, and four percent for the high school, effective July 1, 2006. In addition, after January 1, 2008, the Board can increase (by no more than six percent) or decrease the per–pupil grant to correspond to the actual costs to construct new schools.

The proposed regulatory amendments are summarized as follows:

Existing Regulation Section 1859.2 defines words and terms used exclusively for these regulations. The proposed amendments add definitions regarding the Charter School Facilities Program, High Performance Schools, and make other changes to conform to AB 127.

Existing Regulation Section 1859.51 provides adjustment factors that increase or decrease a school dis-

trict's baseline eligibility for new construction. The proposed amendment changes a Regulation Section number in the narrative text in order to refer to an applicable new section being proposed for adoption.

Existing Regulation Section 1859.60 sets forth the criteria for a school district to calculate its modernization baseline eligibility for each school site. The proposed amendment clarifies that for purposes of determining the age of a classroom and period of years to earn baseline eligibility, charter school classrooms previously rehabilitated with State funds are treated the same as other school classrooms previously modernized with State funds.

Existing Regulation Section 1859.61 sets forth specific factors which impact a district's capacity to house pupils and therefore require adjustments to the modernization baseline eligibility. The proposed amendment clarifies that for purposes of reducing eligibility by the number of pupils provided grants in approved projects, Charter School Facilities Program projects are treated the same as SFP modernization projects.

Existing Regulation Section 1859.70.3 sets forth that \$25 million was set aside for grants to school districts to construct small high schools or reconfigure a large high school into small high schools. The proposed amendment authorizes the Board to provide up to \$200 million for the Small High School Program in accordance with AB 127 and the Proposition 1D school bond.

Proposed adoption of Regulation Section 1859.70.4 sets aside \$100 million and sets forth criteria for grants to school districts for the costs of designs and materials in new construction and modernization projects that save energy and water, maximize natural lighting and indoor air quality, use recycled and low-toxin materials, use better acoustics to promote learning, and apply other high performance improvements.

Existing Regulation Section 1859.71 authorizes the Board to adjust the SFP new construction per-unhoused-pupil grant amounts annually each January based on the change in the Class B Construction Cost Index. The proposed amendment authorizes the Board to increase the per-pupil base grant amount by up to an additional six percent (or reduce the per-pupil base grant amount if school building costs are declining), in conformance with AB 127 (Education Code Section 17072.11).

Proposed adoption of Regulation Section 1859.71.6 sets forth a point system based upon construction industry-recognized High Performance Rating Criteria, for school districts to qualify for a SFP additional grant for including "high performance" designs and materials in their new construction projects.

Proposed adoption of Regulation Section 1859.77.4 sets forth criteria based upon the High Performance

Rating Criteria point system with review/approval by the Division of the State Architect (DSA), to provide qualifying school districts a percentage increase in their new construction or modernization grants for an addition to a school site or modernization project meeting the point value threshold.

Existing Regulation Section 1859.78.9 sets forth the criteria for school districts to qualify for an additional SFP apportionment for Modernization Reconfiguration under the Small High School Program by reconfiguring a large high school into small high schools (500 pupils or less). The proposed amendment clarifies the determination of this apportionment.

Existing Regulation Section 1859.83 sets forth school district eligibility criteria for excessive cost hardship grant funding as a result of specified unusual circumstances. The proposed amendment clarifies the grant entitlement for small high schools created in different configurations.

Existing Regulation Section 1859.93.2 specifies the qualifying criteria and time period to submit applications for a new construction adjusted grant under the Small High School Program. The proposed amendments extend the application period to September 30, 2007, and specify different configurations for which small high school projects may qualify.

Existing Regulation Section 1859.160 provides guidelines to charter schools seeking to apply for a preliminary apportionment for new school facilities construction. The proposed amendment adds charter school rehabilitation projects as subject to the guidelines of this section and also requires charter schools to submit documents necessary for a financial soundness determination.

Existing Regulation Section 1859.161 specifies the time period for submitting applications for charter school funding, including a prescribed period following an election authorizing additional funding. The proposed amendment changes the post-election filing period starting date from "30" to "90" calendar days following such election.

Existing Regulation Section 1859.162 sets forth the eligibility criteria for a preliminary apportionment for charter schools. The proposed amendments:

- a. strike criteria which limit charter school eligibility to the new construction eligibility of the school district in which it is located, and strike certain maximums for pupil-grants based upon grade level;
- b. add a criterion requiring at least 30 days advance written notice by a charter school to a school district in which it is located, of its intent to submit a preliminary charter school application;

- c. requires the withdrawal of a preliminary charter school apportionment and rescission by the Board before a charter school project application can be resubmitted under a future funding cycle.

Existing Regulation Section 1859.162.1 sets forth the determination of pupil grant eligibility for charter schools which provide instruction for a combination of grade levels serving pupils from more than one school district's boundaries. This Section is proposed to be repealed and its subject matter adopted within new Section 1859.162.3.

Proposed adoption of Regulation Section 1859.162.1 sets forth preliminary charter school new construction apportionment eligibility criteria, pertaining to the required advance notification by a charter school entity to the school district in which it is located of the charter school's intent to submit a Preliminary Charter School Application.

Proposed adoption of Regulation Section 1859.162.2 sets forth criteria for preliminary apportionment eligibility adjustments for charter school new construction projects, as determined by either a charter school applying on its own behalf, or school districts applying on behalf of a charter school.

Proposed adoption of Regulation Section 1859.162.3 sets forth the determination of pupil grant eligibility for charter schools which provide instruction for a combination of grade levels serving pupils from more than one school district's boundaries, and clarify that district responsibilities toward a charter school located in overlapping district boundaries are dependant upon the charter school serving the grade levels served by that school district.

Existing Regulation Section 1859.163.1 prescribes charter school construction cost apportionments based upon specific cost components related to the size, scope, grade levels and location of the project, but subject to a funding cap based upon grade level(s) of the project and urban or non-urban location. The proposed amendments strike this funding cap, reduce per-pupil grant amounts by 11 percent, modify other cost components included in the apportionment, set forth percentage increases in the charter school new construction apportionment for projects housing up to 200 pupils, add a cost adjustment based on the change in the Class B Construction Cost Index, and make the pupil-grants subject to annual adjustment by the Board as prescribed in Section 1859.71.

Existing Regulation Section 1859.163.2 sets forth criteria for determining the preliminary charter school apportionment site acquisition value. The proposed amendment strikes Education Code Section "17078.56" from the list of reference sections because the revision of this Education Code Section by AB 127

deleted the paragraph pertinent to Regulation Section 1859.163.2.

Existing Regulation Section 1859.163.3 establishes two fund accounts in which to reserve funding from the 2004 school bond (Proposition 55) for site acquisition values that will not be part of the preliminary charter school apportionments, but which may be apportioned in final charter school apportionments. The proposed amendments clarify that this section applies only to the apportionments awarded by the Board on February 23, 2005.

Proposed adoption of Regulation Section 1859.163.4 sets forth preliminary charter school rehabilitation apportionment eligibility criteria, including certain required agreements between a charter school applying on its own and the school district where it is located.

Proposed adoption of Regulation Section 1859.163.5 sets forth criteria for the preliminary charter school rehabilitation apportionment, which will be determined based on the eligible square footage included in the project.

Proposed adoption of Regulation Section 1859.163.6 sets forth preliminary charter school rehabilitation apportionment eligibility criteria for sites previously funded under the SFP modernization program.

Proposed adoption of Regulation Section 1859.163.7 sets forth the permissible uses of Charter School Facilities Program rehabilitation funds.

Existing Regulation Section 1859.164 sets forth criteria for the sequential ordering of charter school applications for apportionment by the Board if the estimated total cost of all preliminary charter school applications exceeds available funds. The proposed amendment provides criteria for sequential ordering for apportionment of applications received on the same day.

Existing Regulation Section 1859.164.1 sets forth the required calculation of "preference points" for all Preliminary Charter School Applications based upon the percentage of low-income pupils, the degree of overcrowding in the school district, and whether the entity operating the charter school is a non-profit entity. The proposed amendments modify the calculation methods for these three factors and add a fourth factor granting preference points for all projects that rehabilitate existing facilities.

Existing Regulation Section 1859.164.2 sets forth criteria for the release of funds to charter school entities from preliminary charter school apportionments. Qualified charter schools must maintain financial soundness. The proposed amendments add preliminary charter school rehabilitation apportionments as subject to the provisions of this section, and add the requirement

that Charter School Agreements must be executed prior to the release of any funds.

Existing Regulation Section 1859.165 sets forth the requirements for the preliminary charter school apportionment to be converted to the final charter school apportionment. The proposed amendment modifies the section to apply to both charter school new construction and rehabilitation apportionments.

Existing Regulation Section 1859.166 provides specific time limits to convert preliminary charter school apportionments to final charter school apportionments, and the required actions if the time limits are not met. The proposed amendments clarify the required eligibility adjustments if the time limits are not met.

Existing Regulation Section 1859.167 sets forth the charter school final apportionment funding process. The proposed amendments distinguish those provisions applicable to the preliminary charter school apportionments approved by the Board on February 23, 2005, and those provisions applicable to all subsequent preliminary charter school apportionments.

Existing Regulation Section 1859.167.1 specifies that the amount of the final charter school apportionment may not be increased for site acquisition costs exceeding those calculated under Section 1859.163.1(b), nor increased for useable acres for the project in excess of the previously approved recommended site size by the California Department of Education. The proposed amendment limits the application of this section only to charter school apportionments approved by the Board on February 23, 2005.

Proposed adoption of Regulation Section 1859.169.1 requires that State funds remaining at the completion of charter school projects must be returned to the State.

Existing Form SAB 50-04, *Application for Funding*, is submitted to apply for State funding for new construction or modernization projects. The proposed amendments add instructions, data fields, and district certifications to accommodate the new categories of charter school rehabilitation projects and high performance school grants.

Existing Form SAB 50-05, *Fund Release Authorization*, is used by school districts to request the release of State funds that have been apportioned by the SAB, upon the district's certification of compliance with specific legal and SFP requirements. The proposed amendments re-format the form, add instructions, data fields, and district certifications to accommodate the new category of charter school rehabilitation projects, and require submittal of charter school agreements.

Existing Form SAB 50-06, *Expenditure Report*, is submitted to report expenditures of State funding for new construction or modernization projects. The proposed amendments re-format this form and add a dis-

trict certification that a new Project Information Worksheet is true, correct, and current.

Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, is used by school districts/charter schools to request a preliminary apportionment for the new construction of charter school facilities. The proposed amendments add instructions, data fields, supporting document requirements, and district certifications to accommodate the new category of charter school rehabilitation projects.

DEFERRED MAINTENANCE PROGRAM

Existing Regulation Section 1866.4 sets forth guidelines for school districts to file with the Board a five year plan for deferred maintenance needs of the district. The proposed amendment adds reference to the new category of charter school rehabilitation grant funds.

Existing Regulation Section 1866.13 protects against duplicate apportionments of State funds by requiring school districts to exclude work in deferred maintenance extreme hardship projects from being funded in SFP modernization projects, and to eliminate from five year plans any projects that will be funded as SFP modernization projects or Federal Renovation Program projects. The proposed amendment adds the new category of funding for charter school rehabilitation projects as requiring elimination of such projects from five year plans.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects under the SFP.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than March 12, 2007, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator
Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445–5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445–0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322–1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1844. AUTHORIZED MEDICATION

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1844. Authorized Medication. The proposed amendment would change the level of Flunixin allowed in a test sample from not more than 20 nanograms per milliliter of blood plasma or serum, to not more than 50 nanograms of the drug substance per milliliter of blood plasma or serum. The proposed amendment would also add subsection 1844(f), which establishes an allowable level of clenbuterol in the official blood test sample at 25 picograms per milliliter of blood plasma or serum.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, March 22, 2007**, or as soon after that as business before the Board will permit, at the **Bay Meadows Race Track, 2600 South Delaware Street, San Mateo, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on March 12, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions (B&P) Code. Reference: Sections 19580 and 19581, B&P Code.

B&P Code Sections 19440 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19580 and 19581, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State. B&P Code Section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the State. B&P Code Section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof.

The Board proposes to amend Rule 1844, subsection (c)(2) to provide that the test sample shall contain not more than 50 nanograms of the drug flunixin per milliliter of blood plasma or serum. Subsection 1844(c)(2) currently provides that the test sample shall contain not more than 20 nanograms of the drug flunixin per milliliter (ng/ml) of blood plasma or serum. The current level for flunixin was based on Racing Medication and Testing Consortium (RMTC) studies that utilized a dose of flunixin of 1.1 mg. per kilogram of body weight administered 24 hours prior to racing. When the Board adopted the current flunixin level it initiated a 60-day "phase in" period during which horses at the racetrack were experimentally dosed with flunixin at levels commonly administered by racetrack veterinarians. The survey revealed that flunixin administrations to racehorses using 500 mg. intravenously, the dose that is commonly used by racetrack veterinarians, would result in some flunixin overages at the current threshold of 20 ng/ml. That meant horsemen could have flunixin violations even though they followed the Board's regulations regarding administration of therapeutic drugs to horses entered to race. The proposed level of 50 nanograms of the drug flunixin per milliliter of blood plasma or serum will ensure horsemen may administer the drug within the confines of the Board's regulations without the fear of inadvertently violating the Board's rules. The proposal to amend Rule 1844 also adds subsection 1844(f), which provides for a clenbuterol level of 25 picograms per milliliter of serum or plasma in the official blood test sample. Subsection 1844(e)(9) allows 5 nanograms per milliliter in the official urine test sample.

However, studies have demonstrated it is difficult to establish threshold levels for clenbuterol in urine. Levels of clenbuterol can be regulated more effectively through blood samples, and its administration can be identified within 72 hours. This means levels identified in serum or plasma are more rigorous and defensible. If clenbuterol is found in the urine sample, the blood sample can definitely establish if the drug was administered within the guidelines of the Board's rules.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1844 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1844 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1844 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the

proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager
Policy and Regulations
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 5. CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM

[Notice Published **January 26, 2007**]

NOTICE OF PROPOSED RULEMAKING

The California State Teachers' Retirement System ("CalSTRS" or "the System") and the Teachers' Retirement Board ("TRB") propose to adopt new regulations, in the form of Sections 24010, 24011, 24012 and 24013 in new Article 14, Chapter 1, Division 3 of Title 5 of the California Code of Regulations (CCR), "Prohibitions on Certain Campaign Contributions", and to amend current Section 20520 of Article 3, Chapter 1, Division 3, Title 5 of the CCR, after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARINGS

The first of two public hearings will be held:

Date and Time: February 21, 2007, 9:00 a.m. to 1:00 p.m.
Place: California State Teacher's Retirement System
Boardroom
7667 Folsom Blvd.
Sacramento, CA 95826
Purpose: To receive comments about this action.

The second public hearing will be held:

Date and Time: March 15, 2007, 9:00 a.m. to 1:00 p.m.

Place: California State Teacher's Retirement System
Boardroom
7667 Folsom Blvd.
Sacramento, CA 95826

Purpose: To receive comments about this action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Constitution and the Teachers' Retirement Law place a critical fiduciary duty on retirement board trustees, requiring TRB members to remain free from attempts to influence them through what is referred to in the investment industry as "pay for play" practices.

The proposed regulations reflect TRB's year-long effort to research and study the ethical issues surrounding campaign gifts and contributions to public pension fund board members. TRB wanted to assure the System's members and the public that, even though neither the TRB nor CalSTRS staff have ever been subject to any claim of malfeasance or political favoring, there would be no basis for any perception of "quid pro quo" or other expectation of reciprocal benefit based on campaign contributions to TRB members.

TRB voted to set clear limits on contributions from those doing business with, and seeking to do business with, CalSTRS, and by providing for serious penalties for violating those limits. TRB now proposes to adopt regulations to enforce their vote.

Proposed Sections 24010, 24011, 24012 and 24013 contain specific prohibitions on certain campaign contributions to TRB members and board candidates from any party who wishes to do business with CalSTRS. The limits and enforcement penalties are narrowly drawn so that they prohibit any actual or perceived "pay to play" conduct, while still protecting the rights of individuals to contribute to candidates and causes of their choice.

The regulations propose that no campaign contribution of more than \$1,000 may be made to TRB members or board candidates by any party who either does or seeks to do business with CalSTRS, when that business relationship generates or is likely to generate at least \$100,000 annually in income, fees or other revenue to the party.

Violation of the regulations could result in termination of a business relationship for up to two years, or a fine of \$10,000 or the amount of the impermissible contribution, whichever is greater. The proposed amendment to the existing regulation's Section 20520 would give violators the right to CalSTRS' administrative hearing process to protest CalSTRS' fine or termination decision.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalSTRS. The written comment period closes at 5:00 P.M. on **March 12, 2007**. CalSTRS may only consider comments received at CalSTRS' office address as reflected below by that time. Submit comments to:

Porscha Brink, Senior Legal Analyst
Office of General Counsel
California State Teachers' Retirement System
7667 Folsom Boulevard
Sacramento, California 95826
Telephone: (916) 229-3766
Fax: (916) 229-3931
E-Mail: PublicComments@CalSTRS.com

AUTHORITY AND REFERENCE

The Board has the exclusive authority to administer CalSTRS under Article XVI, section 17 of the California Constitution. In addition, California Education Code ("Ed. Code") Section 22207 authorizes the TRB to perform any acts necessary for the administration of the system and the plan in carrying into effect the provisions of the Teachers' Retirement Law, California Education Code Sections 22000 through 28101 ("the Law"). Ed. Code Section 22305 provides that any rules and regulations adopted by the TRB have the force and effect of law. These regulations would implement, interpret and make specific Education Code sections 22202, 22203, 22204, 22207, 22208, 22209, 22210, 22214, 22216, and 22224, 22250, 22251, 22253, and 22305.

TRB approved the proposed regulations, and authorized the System to give public notice, conduct any public hearing, and take such other action as may be necessary or proper for the adoption by the System of the regulations, in TRB Board Resolution 06-65, adopted at a duly constituted regular meeting of the TRB on December 7, 2006, at Sacramento, California.

1. Mandate on local agencies and school districts: NONE
2. Cost or savings to any state agency: NONE
3. Cost to any local agency or school district which must be reimbursed in accordance with California Government Code ("GC") Sections 17500 through 17630: NONE
4. Other nondiscretionary cost or savings imposed on local agencies: NONE
5. Cost or savings in federal funding to the state: NONE
6. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: NONE
7. Cost impacts on a representative private person or business: CalSTRS cannot envision any cost impacts the proposed regulations could have on any representative private person or business.
8. Adoption of these regulations will not:
 - (a) Create or eliminate jobs within California;
 - (b) Create new businesses or eliminate existing businesses within California, or
 - (c) Affect the expansion of businesses currently doing business within California.
9. Significant effect on housing costs: NONE
10. ***Small Business Determination***

CalSTRS has determined that the proposed regulations do not affect small business. The regulations apply only to businesses doing or seeking to do business with CalSTRS which would result in annual revenue of at least \$100,000.

CONSIDERATION OF ALTERNATIVES

CalSTRS and TRB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. CalSTRS invites interested persons to present any evidence that would support any alternatives to the proposed regulations, in the form of written comments or attendance at the public hearing.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Porscha Brink, Senior Legal Analyst
Office of General Counsel
California State Teachers' Retirement System
7667 Folsom Boulevard
Sacramento, California 95826
Telephone: (916) 229-3766
Fax: (916) 229-3931
E-mail: PublicComments@CalSTRS.com

Questions on the substance of the proposed regulations may be directed to:

Patricia M. Pechtel, Counsel for Compliance and Privacy
Office of General Counsel
California State Teachers' Retirement System
7667 Folsom Boulevard
Sacramento, California 95826
Telephone: (916) 229-3766
Fax: (916) 229-3931
E-mail: PublicComments@CalSTRS.com

Please direct requests for copies, or for any information of a non-substantive nature to Ms. Brink at the contact information listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CalSTRS will have the entire rulemaking file available for public inspection and copying throughout the rulemaking process at its offices at the address listed above. In addition, the entire rulemaking file is available for viewing on the System's website at www.calSTRS.com. As of the date this Notice is published in the California Notice Register, the rulemaking file consists of: this Notice; proposed text of new and amended regulations, in underline and strikeout format to reflect changes to existing language where appropriate; Initial Statement of Reasons; Resolution 06-65, signed by the Secretary of the TRB, approved on December 7, 2006; Fiscal Impact Statement, and Statement of Mailing Notice. Copies are available by contacting Ms. Brink at the contact information as listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding its hearing and considering all timely and relevant comments received, CalSTRS may adopt the proposed regulations and amendments substantially as described in this Notice. If CalSTRS makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at

least 15 days before adopting the regulations as revised. Please contact Ms. Brink at the contact information listed above for copies of modifications, if any.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its preparation, CalSTRS will have the Final Statement of Reasons available for public inspection and copying at its offices at the address listed above. In addition, the Final Statement of Reasons will be available for viewing on the System's website at www.calSTRS.com.

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING GENERAL CHILD CARE PROGRAMS — NEED

[Notice published January 26, 2007]

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the SSPI, will hold a public hearing beginning at **10:00 a.m. on March 16, 2007**, at 1500 Capitol Mall, East End Auditorium, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
Legal Division
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on March 16, 2007**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 8261, 8263, 8265 and 8269, Education Code.

References: Sections 8206, 8261, 8265 and 8263, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations provide clarification and specific information needed to implement the recommendations submitted in the April 2005 *CalWORKs and Alternative Payment Child Care Programs Error Rate Study Report* required by Chapter 229, Statutes of 2004 (Senate Bill 1104, Committee on Budget and Fiscal Review). Senate Bill 1104 required the California Department of Education (CDE) to estimate the percentage of errors in determination of eligibility, need, family fees, and provider payments and report on potential improper payments that result from parent or pro-

vider fraud or error and to make recommendations. This study will be referenced as the "Error Rate Study." The Error Rate Study examined administrative errors in eligibility, family fees, determination of need, and provider payments. The Error Rate Study also explored potential improper payments caused by parent, providers, and agency staff.

These regulations will also address clarification of the documentation necessary to determine need for subsidized child care and development services.

These regulations add:

- Documentation of Need Based on Employment, Seeking Employment, Training, Seeking Housing, and Incapacity; In General;
- Documentation of Employment in the Home or a Licensed Home; Service Limitations, and
- Tracking of Previous Child Care and Development Services

These regulations amend:

- Documentation of Employment; Employment in the Parent's Home
- Parents Seeking Employment; Eligibility and Service Limitation;
- Documentation of Training
- Documentation of Parental Incapacity
- Documentation of Seeking Permanent Housing
- Notice to Families of Their Responsibility to Notify Contractor of Changes to Family Circumstances, and
- Limited Term Service Leave Requirements

DISCLOSURES REGARDING THE PROPOSED ACTION

The SSPI has made the following initial determinations:

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies: None

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: To the extent a business or school district chooses to participate in the administration or provision

of subsidized child care and development services, the proposed regulations may create additional cost. However, the SSPI anticipates that any increased cost will be covered within the program's 20 percent allowance for administrative costs and support services.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: To the extent a business or school district chooses to participate in the administration or provision of subsidized child care and development services, the proposed regulations may create additional cost. However, the SSPI anticipates that any increased cost will be covered within the program's 20 percent allowance for administrative costs and support services.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to his attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Cecelia Fisher-Dahms, Consultant
Child Development Division
California Department of Education
1430 N Street, Room 3410
Sacramento, CA 95814
Telephone: 916-322-4883
E-mail: cfisher@cdede.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDEs Web site at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR
ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Cecelia Fisher-Dahms, Child Development Division, 1430 N Street, 3rd Floor, Sacramento, CA, 95814; telephone, 916-322-4883; fax, 916-323-6853. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 5. SUPERINTENDENT OF
PUBLIC INSTRUCTION**

NOTICE OF PROPOSED RULEMAKING

**AMENDMENT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5, REGARDING
SPECIAL EDUCATION — PROCEDURAL
SAFEGUARDS — HEARING OFFICERS**

[Notice published January 26, 2007]

NOTICE IS HEREBY GIVEN that the Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all com-

ments, objections, or recommendations regarding the proposed action.

TWO PUBLIC HEARINGS

California Department of Education (CDE) staff, on behalf of the SSPI, will hold two public hearings. The first public hearing will be held in Southern California on **March 19, 2007**, at **10:00 a.m.**, East San Gabriel Valley SELPA, 1400 Ranger Drive, Covina, California, 91722-2055. The second public hearing will be held in Northern California on **March 22, 2007**, at **9:00 a.m.**, Sacramento County Office of Education, 10474 Mather Boulevard, Board Room, Sacramento, California, 95626. The rooms are wheelchair accessible. At either hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on March 22, 2007**.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those

persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Section 56505, Education Code.

References: Sections 56500.1, 56501, 56502, 56504.5, 56505, 56505.1, 56505.2, and 56507, Education Code; 20 USC Sections 1400, et seq.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Individuals with Disabilities Education Act (IDEA) guarantees all children with special needs a “free appropriate public education” (FAPE) that emphasizes special education and related services designed to meet each child’s unique needs. (20 U.S.C. §1400(D)(1)(A).) The IDEA contains numerous procedural safeguards. Most relevant for purposes of the proposed regulations, the Local Educational Agency (LEA) must give parents an opportunity to present complaints regarding any matter related to the education or placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6).) Upon occurrence of certain conditions, and upon the presentation of such a complaint, the parent or guardian is entitled to a due process hearing before an impartial hearing officer. (20 U.S.C. § 1415(f)(1).)

Education Code section 56505(a) requires the CDE to “enter into an interagency agreement with another state agency or contract with a nonprofit organization or entity to conduct mediation conferences and due process hearings in accordance with Sections 300.506 and 300.508 of Title 34 of the Code of Federal Regulations.” Education Code section 56504.5(c) requires that the SSPI “adopt regulations that establish standards for all of the following components of an interagency agreement or contract entered into pursuant to subdivision (a).” The proposed regulations are aimed at satisfying the statutory mandate.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SSPI has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: Costs to a state agency that contracts to provide mediation and/or due process hearings will be reimbursable through an interagency agreement with the department.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary costs or savings imposed on local educational agencies: Savings, if any, will be to the department if the cost of an interagency agreement is less than the cost of contracting with a non-profit organization.

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The Superintendent is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to school districts and not to business practices.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SSPI, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Gabriel C. Vivas, Deputy General Counsel
Legal and Audits Branch, Legal Office
1430 N Street, 5th Floor
Sacramento, CA 95814
Telephone: 916-319-0860
E-mail: gvivas@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's web site at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Gabriel Vivas, Legal Office, 1430 N Street, 5th Floor, Sacramento, CA, 95814; telephone, 916-319-0860. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC

MEETING:

On March 15, 2007, at 10:00 a.m.
in Tower 8 of the County
Administration Center
1600 Pacific Highway,
San Diego, California 92101.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC

HEARING:

On March 15, 2007,
following the Public Meeting in
the Tower 8 of the County
Administration Center
1600 Pacific Highway,
San Diego, California 92101.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING:

On March 15, 2007,
following the Public Hearing in
the Tower 8 of the County
Administration Center
1600 Pacific Highway,
San Diego, California 92101.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Oc-

cupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders; Ship Building, Ship Repairing, and Ship Breaking Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **March 15, 2007**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 32
Section 1740(b)
Storage and Use of Fuel Gas Cylinders
2. **TITLE 8: SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS**
Chapter 8, Subchapter 18, Article 8
Section 8397.16
Shipyard Safety Orders, Land-Side Fire Protection—Update of National Fire Protection Association (NFPA) Standards

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 32
Section 1740(b)
Storage and Use of Fuel Gas Cylinders

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

This proposal would revise an existing requirement regarding the storage and use of gas cylinders associated with various operations including but not limited to welding and cutting activities. The current standard, California Code of Regulations, Title 8, Section 1740(b), says in part that "Gas cylinders shall be stored and used with the valve end up." The proposal would make this provision clear that insofar as use and storage is concerned, the valve-end-up requirement applies to acetylene and fuel gases. In this way, the proposal prevents the standard from being ambiguous in its meaning.

This rulemaking action is being initiated as a result of Occupational Safety and Health Standards Board (Board) Petition File No. 472, by Mr. Michael Sterrett (Petitioner), Chair, Associated General Contractors of California (AGC) Safety and Health Council. The Petitioner requested the Board amend Title 8, Section 1740(b) to clarify that fuel gas cylinders, rather than all gas cylinders, must be stored and used with valve end up, thereby excluding oxygen cylinders from this requirement. The petition was granted by the Board on October 20, 2005.

The proposed change to Section 1740(b), although exclusive to acetylene and fuel gases, is consistent with existing Title 8, General Industry Safety Orders, Section 4845, 29 CFR 1926.350(a), Gas Welding and Cutting, 29 CFR 1910.253(a)(3)(iii) and (a)(5)(iii)(A), Oxygen-Fuel Gas Welding and Cutting and the American National Standards Institute (ANSI) Z49.1-2005 standard, Safety in Welding, Cutting and Allied Processes. For example, acetylene is a compressed gas that is used as a welding and cutting fuel and is stored in a liquid state. When the valve is opened and pressure is released, a portion of the liquefied acetylene turns to gas. This gas is then used by the device that the cylinder is connected to.

Acetylene, when placed in the horizontal position, could become dislodged from acetone and binders and form highly unstable explosive pockets that are subject to polymerization, thus permitting acetone to enter the regulator resulting in a fire and/or explosion. Therefore, using and storing the tank in any position other than up-right can be extremely dangerous. However, non fuel gases, such as oxygen which are stored in and expelled

from the cylinder in a gaseous state, cannot enter the cylinder regulator as anything but a gas incapable of explosion regardless of the physical orientation of the cylinder.

Consultation with safety representatives from AGC, and Airgas Corporation, a leading supplier of industrial gases, indicate support of the Petitioner's request and the proposed amendment. The proposal deviates from the Petitioner's proposal to the extent that it clarifies that the amendment applies to but is not limited to welding and cutting fuel gas and acetylene. Article 32, pertains to gases associated with welding (joining metal) and cutting (cutting through metal) operations. By including the word fuel before "gas cylinders" in subsection (b), it will avoid requiring non-fuel gas cylinders that do not present the same potential hazards from having to be unnecessarily regulated.

The proposed amendment is as follows:

Section 1740. Storage and Use of Cylinders

This section contains standards addressing the safe use and storage of compressed gas cylinders including fuel gas cylinders, including but not limited to, protection against heat, storage, portable service use, handling and storage near energized conductors.

Subsection (b) requires all gas cylinders to be stored and used with the valve end up and that cylinders containing oxygen, acetylene or fuel gases shall not be taken into confined spaces. A revision is proposed to add the words "Acetylene and fuel" in front of "gas cylinders" and also include examples of fuel gas cylinders. The effect of the proposed revision would be to clarify to the employer that acetylene and fuel gas cylinders are to be used and stored valve end up (in the vertical/upright position), to ensure that they will safely dispense the gas they contain, and not backflow into the regulator, which could result in fire and/or explosion.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The proposal is a technical clarification to ensure that, consistent with Federal OSHA standards, National Consensus Standards and the General Industry Safety Orders, the employer will understand that only fuel gas cylinders must be used and stored in an upright position.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses,

including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these proposed amendments do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers —

state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. TITLE 8: SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS

Chapter 4, Subchapter 18, Article 8
Section 8397.16

Shipyards Safety Orders, Land-Side Fire Protection—Update of National Fire Protection Association (NFPA) Standards

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated standards that address Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment on October 17, 2006, as 29 Code of Federal Regulations, Sections 1915.5, 1915.505 and 1915.507. The Board is relying on the explanation of the provisions of the federal standards in Federal Register,

Volume 71, No. 200, pages 60932–60934, Proposed Rule, October 17, 2006, and Federal Register, Volume 71, No. 200, pages 60843–60847, Direct Final Rule as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which are the same as the federal standard except for editorial and format differences.

On September 15, 2004, OSHA issued a Final Rule for fire protection in shipyard employment that incorporated by reference 19 National Fire Protection Association (NFPA) standards. Eleven of those NFPA standards and an additional NFPA standard have been updated since the final rule was published (the updated editions are shown in brackets). They are as follows: NFPA 1981–1997 [2002] Standard for Open Circuit Self Contained Breathing Apparatus for Fire and Emergency Services, NFPA 10–1998 [2002] Standard for Portable Fire Extinguishers, NFPA 72–1999 [2002] National Fire Alarm Code, NFPA 14–2000 [2003] Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, NFPA 13–1999 [2002] Standard for the Installation of Sprinkler Systems, NFPA 750–2000 [2003] Standard on Water Mist Fire Protection Systems, NFPA 11–1998 Standard for Low Expansion Foam and NFPA 11A–1999 Standard for Medium and High Expansion Foam Systems combined into NFPA 11–2005 Standard for Low-, Medium-, and High-Expansion Foam, NFPA 12A–1997 [2004] Standard on Halon 1301 Fire Extinguishing Systems, NFPA 2001–2000 [2004] Standard on Clean Agent Fire Extinguishing Systems, NFPA 1403–1997 [2002] Standard on Live Fire Training Evolutions, and NFPA 12–2000 [2005] Standard on Carbon Dioxide Extinguishing Systems.

These NFPA standards are contained in Title 8 Sections 8397.12 (Fire Response), 8397.13 (Training), and 8397.16 (Land-Side Fire Protection). Board staff notes that Title 8 Section 8397.12(e)(3)(E) currently references the NFPA 1981–2002 Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services and Section 8397.13(d)(8) currently references the NFPA 1403–2002 Standard on Live Fire Training Evolutions and therefore requires no updating to be at least as effective as the federal counterpart standard contained in 29 CFR Section 1915(e)(3)(V) and (d)(4)(xix), respectively. However, Title 8 standards contained in Section 8397.16, Land-Side Fire Protection, require updating to the most current editions of the NFPA. Therefore, to be at least as effective as federal OSHA with regard to land-side fire protection standards, California proposes to amend Section 8397.16 to incorporate by reference all of the aforementioned NFPA standards except NFPA 1981–2002 which is already contained in Title 8, Section 8397.12.

The Board staff proposes to delete references to “private hydrant” contained in subsection (d)(1) NFPA 14 2000 consistent with the revised title of the 2003 edition of the NFPA 14.

The proposed standards are substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board’s discretion.

DOCUMENTS INCORPORATED BY REFERENCE

1. NFPA 10–2002, Standard for Portable Fire extinguishers
2. NFPA 14–2003, Standard for the Installation of Standpipe and Hose Systems
3. NFPA 72–2002, National Fire Alarm Code
4. NFPA 13–2002, Standard for the Installation of Sprinkler Systems
5. NFPA 750–2003, Standard on Water Mist Fire Protection Systems
6. NFPA 11–2005, Standard for Low–, Medium–, and High–Expansion Foam
7. NFPA 12–2005, Standard on Carbon Dioxide Extinguishing Systems
8. NFPA 12A–2004, Standard on Halon 1301 Fire Extinguishing Systems
9. NFPA 2001–2004, Standard on Clean Agent Fire Extinguishing Systems

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday

from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

According to the federal preamble, this rulemaking would impose no additional costs on any private or public sector entity and does not meet any of the criteria for an economically significant or major rule specified by the Executive Order or relevant federal statutes. This action includes updated references to NFPA standards. Federal OSHA compared the older versions of the NFPA standards with the new versions via side-by-side analyses. Based on federal OSHA’s findings, they concluded that incorporating the new versions of the NFPA standards will not impose any additional costs on any private or public sector entity. The Board staff believes the same is true for private entities in California. There are no public (state governmental) entities involved in ship building, ship repairing or ship breaking activities in California. The proposed updating of NFPA standards is for the most part consistent with the land-side fire protection activities conducted by the private sector.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agen-

cies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated (see explanation under Cost Estimates of Proposed Action).

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than March 9, 2007. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on March 15, 2007, will not be considered by

the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Title 14: Natural Resources

Division 7: California Integrated Waste Management Board

Chapter 3: Minimum Standards for Solid Waste Handling and Disposal

Article 3.5: Temporary Waiver of Terms

Sections: 17211.1; 17211.4; 17211.7; 17211.9

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 3, Article 3.5, Temporary Waiver of Terms (§§17211.1, 17211.4, 17211.7, and 17211.9).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on March 12, 2007.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Robert Holmes
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 10A
Sacramento, CA 95812-4025
e-mail: rholmes@ciwmb.ca.gov
Fax: (916) 319-7403
Phone: (916) 341-6376

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking is scheduled for April 9, 2007. The CIWMB will hold the hearing in the Coastal Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 10:00 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing submit written copies of their testimony at the hearing. The Coastal Hearing Room is wheelchair accessible.

INFORMATIVE DIGEST

Existing regulations allow an Enforcement Agency to waive the terms or conditions of a solid waste facilities permit during a temporary emergency to provide for the continued protection of public health, safety, and the environment. This rulemaking will: 1) make clarifying changes to the definition of "temporary emergency"; 2) in addition to other existing determinations an Enforcement Agency must make prior to issuing a waiver, specify that an Enforcement Agency must determine that a temporary emergency exists and that it is necessary to waive specified terms and conditions in order to protect public health, safety, and the environment; 3) require the Enforcement Agency to submit supporting documentation of its determinations, and; 4) make clarifying changes to the powers of the CIWMB's Executive Director to condition, limit, suspend, terminate an operator's use of a waiver.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that there is a need to clarify the existing temporary waiver of terms regulations to assure that the regulations are utilized for their intended purpose.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code §11349 and the plain English requirements of Government Code §§11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

Public Resources Code §40502 provides authority for this proposed regulation change. The purpose of the proposed regulation is to implement, interpret and make specific Public Resources Code § 45011(a) and Division 30, Parts 5 and 6.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D of the Resource Conservation and Recovery Act (42 U.S.C.A. §§6901 et seq.), the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that the proposed regulation changes will result in no costs or savings to state agencies, no costs to any school districts that are required to be reimbursed under Part 7 (commencing with §17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

Local agencies that collect and transport solid waste could incur costs associated with increased travel distances if the regulations disallow the issuance of a waiver to a closer solid waste facility. These costs are not expected to exceed a net total statewide of \$20,000 per year.

Locally designated, CIWMB-certified Enforcement Agencies could incur costs associated with increased

notification requirements. The cost of this notification is not expected to exceed \$150 per waiver issued.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a statewide adverse economic impact on small businesses including the ability of California businesses to compete with businesses in other states. Due to the capital investment required, few small businesses establish and operate solid waste landfills. As such these regulations will not affect small business in that no small business is required to comply with the regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of the regulations.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses with California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action. The CIWMB estimates that private solid waste collectors could incur costs associated with increased travel distances if the regulations disallow the issuance of a waiver to a closer solid waste facility. These costs are not expected to exceed a net total statewide of \$20,000 per year.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Robert Holmes
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 10A
Sacramento, CA 95812-4025
e-mail: rholmes@ciwmb.ca.gov
Fax: (916) 319-7403
Phone: (916) 341-6376

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Michael Bledsoe
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 23A
Sacramento, CA 95812-4025
e-mail: mbledsoe@ciwmb.ca.gov
Fax: (916) 319-7291
Phone: (916) 341-6058

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Robert Holmes at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the

CIWMB's website at <http://www.ciwmb.ca.gov/Rule-making/TempWaiver/>. Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulation changes as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will transmit any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861, 6653, 6653.5 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code, and to implement, interpret or make specific Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6650, 6651, 6652, 6653, 6653.5, 6654, 6655, 6656, 6657, 6680, 8420(e), and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code, proposes to amend Sections 165 and 632, Title 14, California Code of Regulations, relating to marine protected areas.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including Marine Protected Areas

(MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. AB 2800 (Stats. 2000, ch. 385) enacted the Marine Managed Areas Improvement Act (MMAIA), among other things, to standardize the designation of Marine Managed Areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

This notice represents a significant revision to the notice dated October 31, 2006. Revisions to the initial notice based on public testimony and further review by the California Department of Fish and Game (Department) and California Fish and Game Commission (Commission) resulted in the retraction of the original notice and production of this notice.

The proposed regulation is intended to meet the goals described in the MLPA. These goals address an overall concept of ecosystem-based management and the intent to improve upon California's existing array of marine protected areas (MPAs). The MLPA specifically requires that the Department of Fish and Game prepare a master plan and the Commission adopt regulations based on the plan that achieve the MLPA goals. These goals are:

- To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
- To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
- To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
- To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
- To ensure that the State's MPAs are designed and managed, to the extent possible, as a network.

Important in developing the proposed regulation was the consideration that the central coast MPAs form a component of a statewide network. By definition in the MLPA, a network is applied to a biogeographical re-

gion. The Master Plan Framework for MPAs adopted by the Commission recognizes two biogeographical regions in California, with a boundary at Pt. Conception. The biological network concept calls for connectivity between MPAs through adult movements and larval transport of the species most likely to benefit from establishing MPAs. This includes marine plants, sedentary fishes and invertebrates, and species which are not highly mobile or migratory. This approach is consistent with the guidance provided in the MLPA [Fish and Game Code subsection 2853(b)(6)]. Networks may also be connected through consistency in the method of establishment, goals, objectives, and management and enforcement measures.

The proposed regulation establishes a network component of MPAs designed to include all representative central coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection.

From an ecological perspective, the proposed regulation creates a network component of MPAs consistent with the goals of the MLPA. From an economic and social perspective, the proposed regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Existing regulations (the no-project alternative) provide for 12 MPAs and one special closure covering an area of approximately 43 square miles, which represents approximately 3.8 percent of state waters within the central coast region. Of this, one fifth of the area is within no-take state marine reserves covering approximately 7.5 square miles or approximately 0.7 percent of state waters within the central coast region.

The recommended set of MPAs, along with each alternative, includes state marine parks. Because the Fish and Game Commission does not have legislated authority to establish new state marine parks, the proposed regulation designates recommended parks as state marine conservation areas but maintains the recommended restrictions on take and prohibits commercial take in these areas. A later regulatory process, promulgated by the State Park and Recreation Commission, will change the designation of these areas to state marine parks.

The Commission's preferred alternative and each of the other alternatives include a proposed state marine recreational management area in Morro Bay. As this designation of marine managed area was not previously included in Section 632, reference to it and a definition have been added in the proposed change.

Section 632 was added to Title 14 in 2003 to implement the adoption of the Channel Islands MPAs. In 2004, a subsequent regulatory process reclassified all other existing MPAs and moved their regulations into Section 632. This process implemented the require-

ments of the MMAIA and was intended to not change any existing regulations or restrictions. By doing this, however, certain restrictions that are not appropriate for the marine portion of existing terrestrial protected areas were carried over unintentionally. These restrictions are either unenforceable in the marine environment or otherwise confusing to the public who may access MPAs from the ocean. The proposed change, consistent with the requirements of the MLPA, removes out of date language and makes the existing regulations easier to understand.

In reviewing Section 632, Title 14, the Department also found typographical errors and inconsistencies in terminology that are corrected in the proposed regulatory change. These changes are neither substantial, nor do they change the existing restrictions. They serve to clarify the existing regulations for greater ease of enforcement and public understanding and add consistency in format to each subsection of Section 632.

In the proposed change, the term "offshore" has been consistently replaced with "seaward of mean lower low water". Mean lower low water is the official tidal datum point used when National Oceanic and Atmospheric Association nautical chart depths are established. Where appropriate, the phrase "straight lines connecting the following points in the order listed" has been added to the boundary descriptions. The geographic coordinates for Goldfish Point are added to subsection 632(b)(99) (La Jolla State Marine Conservation Area) to be consistent with the inclusion of coordinates for other geographic points.

The proposed change adds a simple definition for the term "finfish" to Section 632. The term finfish is frequently used in the section, though was previously undefined. Existing regulations in Section 159 dealing with coastal pelagic species include a definition of "finfish", though the section actually addresses coastal pelagic finfish. The proposed change specifies that the definition of finfish in Section 159 does not apply to avoid confusion of the two definitions. The proposed change also refines the restrictions on anchoring and transit within MPAs to clarify that fishing gear must not be deployed in the water.

The proposed change clarifies that all existing fishing statutes and regulations still apply in MPAs. The proposed change also clarifies that permits referred to in subsections 632(a)(1)(A), (B) and (C) are scientific collecting permits pursuant to Section 650. The proposed change refines the existing restriction on feeding of wildlife to both clarify that fish are included in the definition of wildlife and that feeding as a result of both permitted scientific collection and authorized fishing activities is allowed.

Scientific (Latin) names have been added where appropriate to identify species that could be easily con-

fused. This is done only for MPAs within the central coast region and in the case of giant kelp and bull kelp for consistency. As restrictions may change in other regions when the MLPA is implemented, species names for MPA restrictions in other regions will be addressed during the regional process for those regions. An existing State Park Unit, the Point Lobos State Reserve, lies within the proposed Point Lobos State Marine Reserve. The proposed regulation clarifies that restrictions on access within the existing State Reserve will not extend into the area proposed in the expanded State Marine Reserve.

The proposed change adds restrictions on the amount of kelp that may be harvested on a monthly basis in certain MPAs. In order to adequately link this change to the existing kelp harvest regulations, changes are proposed to subsection 165(b). The change clarifies that if kelp is harvested from a marine protected area which limits the total take, records must be available on the harvest vessel for examination. The forms specified for reporting monthly kelp harvest are added to Title 14 Appendix A. The term “public weighmaster” is replaced in subsection 165(b)(1) with the term “certified or licensed weighmaster” to be consistent with current legal definitions.

Additionally, the existing restriction on kelp harvest in the vicinity of the Monterey Breakwater is clarified in subsection 165(c). The proposed change removes con-

fusing language and reference to the “Chart House restaurant” and replaces it with a defined line of latitude. This change will allow the proposed language in Section 632 to remain consistent if future changes to Section 165 are made.

An allowance for minor incidental catch that is almost certain to occur in the course of commercial squid fishing has been added to SMCAs in subsection 632(b) which allow the take of squid but not other common by-catch species. A prohibition on anchoring shallower than 10 fathoms is added to the proposed Big Creek State Marine Reserve to replace the previous prohibition on all boating except for transit. This less restrictive prohibition allows for some anchoring while maintaining protection for ongoing research and research equipment on the seafloor.

Proposed Regulation — The proposed regulation includes a total of 29 MPAs for the central coast region (Table 1 and Figure 1). Eight existing MPAs are included and have been expanded or, in the case of Pacific Grove SMCA and Carmel Bay SMCA, split into two new MPAs. Although the proposed regulation contains 19 new MPAs, five are directly adjacent to existing areas and can be considered further expansion of the area. In these five cases, the additional expansion is a conservation area or a park with some allowed take. Thus, the proposed regulation includes 14 MPAs that are in areas previously not designated as MPAs.

Table 1. Proposed regulation for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Año Nuevo SMR or SMCA (see Note)	No-Take NOTE: Sub-Options are provide for allowing the commercial take of giant kelp within this MPA.	SMR
Greyhound Rock SMCA*	Recreational finfish by hook and line from shore only and recreational and commercial giant kelp (<i>Macrocystis pyrifera</i>) by hand, salmon, and squid	SMCA Low
Natural Bridges SMR*	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Elkhorn Slough SMCA (SMP)* ²	Recreational finfish by hook and line and clams in area adjacent to DFG wildlife area in west.	SMP low
Moro Cojo Slough SMR*	No-Take	SMR
Soquel Canyon SMCA*	Pelagic finfish ³ NOTE: Sub-Options are provided for allowing the commercial take of spot prawn within this MPA.	SMCA high
Portuguese Ledge SMCA*	Pelagic finfish ³ NOTE: Sub-Options are provided for allowing the commercial take of spot prawn within this MPA.	SMCA high

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MPA Name	Proposed Allowed Take	SAT level of protection¹
Edward F. Ricketts SMCA*	Recreational finfish by hook and line, and commercial take of kelp by hand north of 36° 36.83' North Latitude NOTE: Sub-Options are provided for the time of day and location where recreational fishing is allowed in this MPA	SMCA low
Lovers Point SMR	No-Take	SMR
Pacific Grove Marine Gardens SMCA	Recreational finfish and commercial kelp by hand	SMCA low
Asilomar SMR	No-Take	SMR
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish and commercial kelp by hand	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA*	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Point Sur SMR*	No-Take	SMR
Point Sur SMCA*	Recreational and commercial salmon and albacore	SMCA high
Big Creek SMCA*	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Big Creek SMR	No-Take	SMR
Piedras Blancas SMR*	No-Take	SMR
Piedras Blancas SMCA*	Recreational and commercial salmon and albacore	SMCA high
Cambria SMCA (SMP)* ²	All recreational take NOTE: Sub-Options are provided for the southern and northern boundaries of this MPA	SMP low
Cambria SMR* or SMCA (see Note)	No-Take NOTE: Sub-Options are provided for the northern boundary of this MPA and for allowing the take of kelp.	SMR
Morro Bay SMRMA*	No-Take in South. Recreational finfish and commercial bait fish receiving, and commercial aquaculture by permit in north. Waterfowl hunting under Commission regulations in entire area.	SMCA low/high
Morro Bay SMR*	No-Take	SMR
Point Buchon SMR*	No-Take	SMR
Point Buchon SMCA*	Recreational and commercial salmon and albacore	SMCA high
Vandenberg SMR	No-Take	SMR

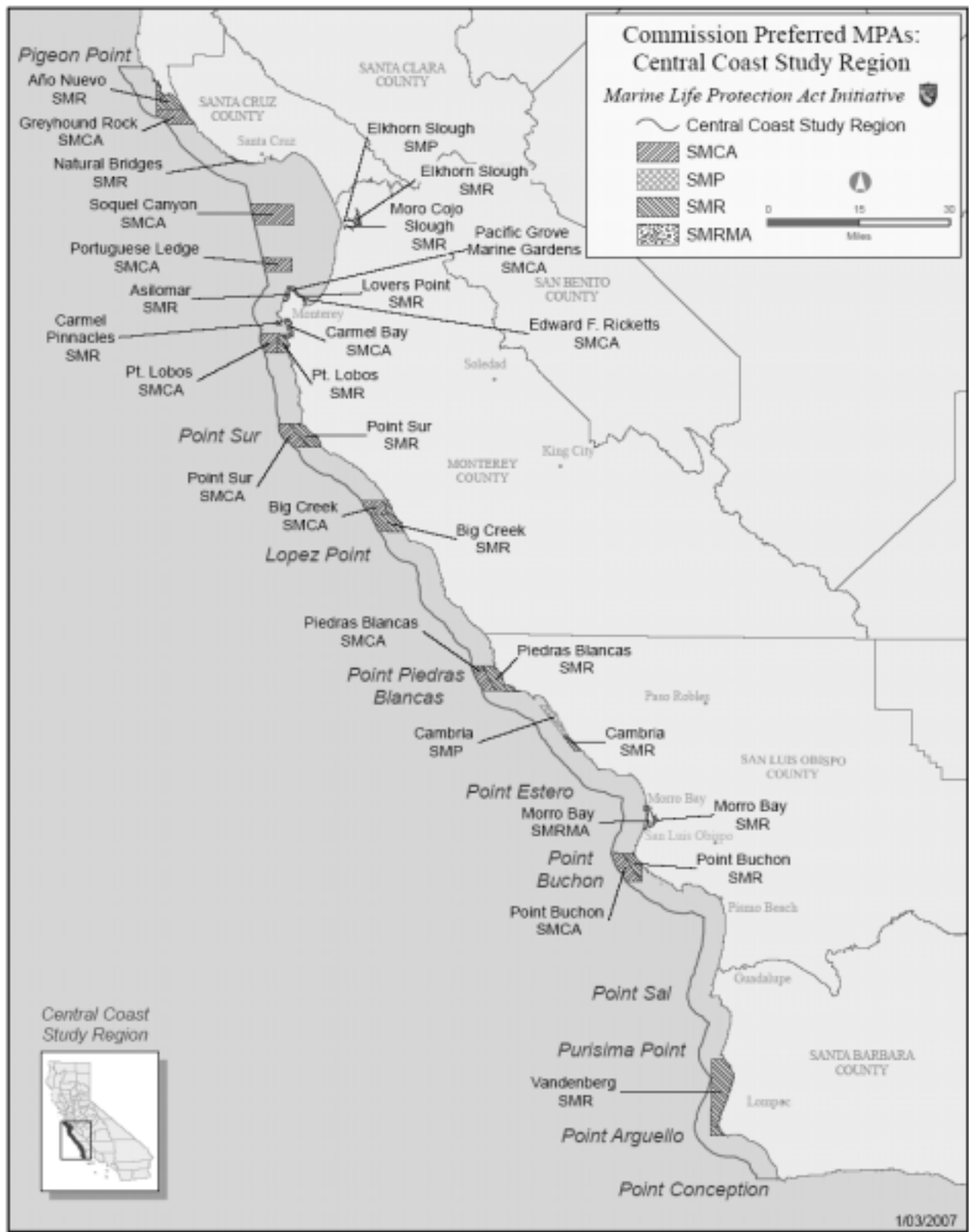
* New MPAs that are not direct expansion of an existing area.

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

³ Pelagic Finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

Figure 1. Marine protected areas in the proposed regulation.



SMCA = state marine conservation area SMP = state marine park
 SMR = state marine reserve SMRMA = state marine recreational management area

The proposed regulation includes MPAs covering an area of approximately 204 square miles, representing approximately 17.7 percent of state waters within the central coast region. Of this, less than half the area is within no-take state marine reserves covering approximately 97 square miles or approximately 8.4 percent of state waters within the central coast region (Figure 3). The remaining areas are primarily state marine conservation areas. Two of these SMCAs (Elkhorn Slough and Cambria) are recommended for later change to state

marine parks and have restrictions on take which would allow this later designation. Many of the SMCAs allow the take of either all pelagic finfish (defined above) or salmon and albacore and were considered by the SAT to offer high ecosystem protection (Figure 4). In some state marine conservation areas take of other species such as squid, kelp, and spot prawn are also allowed. With a few exceptions, the state marine conservation areas protect benthic fishes and invertebrates most likely to benefit from area protection.

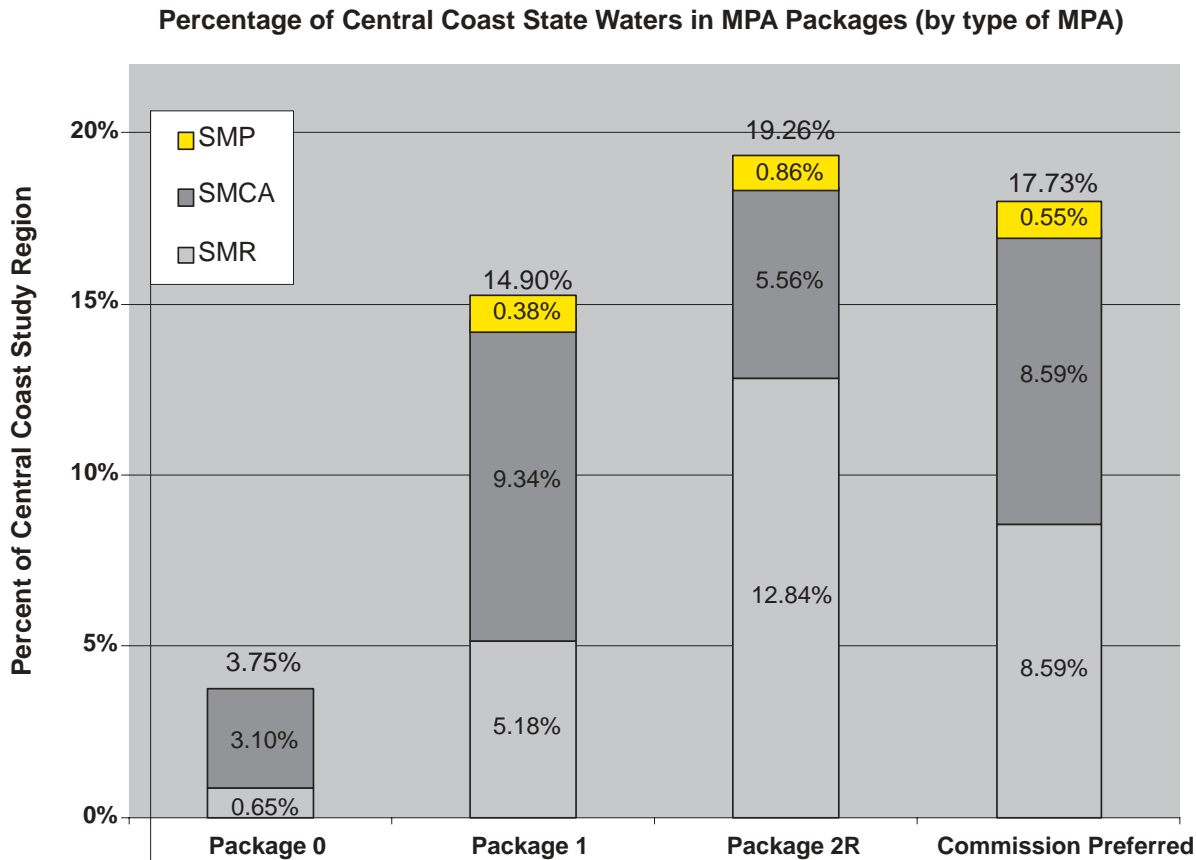


Figure 3. Percent of the central coast study region included in the proposed regulation as compared to existing MPAs (Package 0) and alternative proposals (Package 1 and 2R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its relative level of protection.

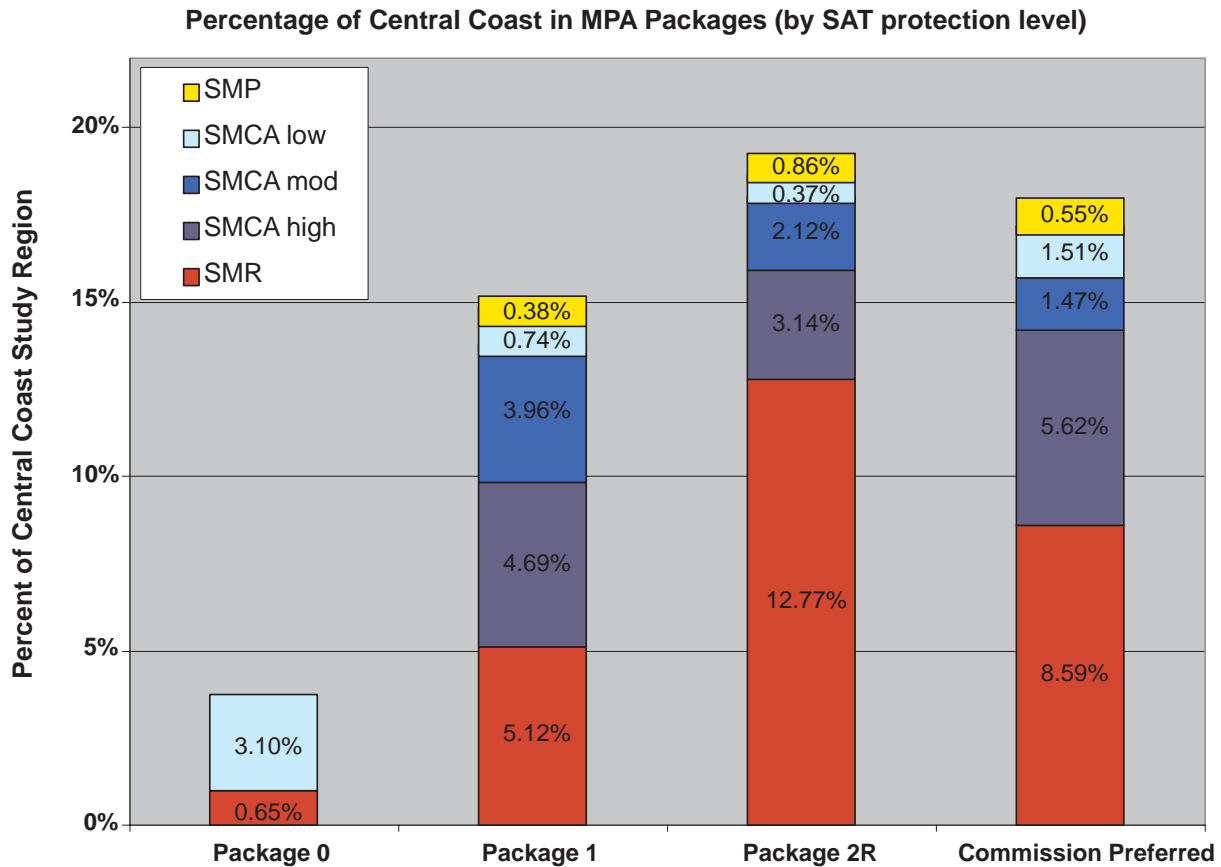


Figure 4. Percent of the central coast study region included in the proposed regulation as compared to existing MPAs (Package 0) and alternative proposals (Package 1 and 2R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Level of protection is noted as defined by the Science Advisory Team in the Master Plan. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its relative level of protection.

Alternative 1 — This is the Central Coast Regional Stakeholders Group (CCRSRG) Package 1, developed primarily by constituents representing recreational and commercial fishing interests along the central coast. It consists of 29 MPAs covering an area of approximately 171 square miles, which represents approximately 14.9 percent of state waters within the central coast region

(Table 2). Of this, over one third of the area is within no-take state marine reserves covering approximately 60 square miles or approximately 5.2 percent of state waters within the central coast region (Figure 3). The Department clarified certain proposed regulations for specific MPAs with the Package 1 proponents and included these in the proposed regulations.

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Table 2. Alternative 1 proposal for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection¹
Año Nuevo SMR	No–Take	SMR
Greyhound Rock SMCA	Recreational and commercial take of pelagic finfish ² , squid, Dungeness crab, and salmon. Salmon may not be taken shallower than 25 fathoms.	SMCA Moderate
Greyhound Rock SMR	No–Take	SMR
Elkhorn Slough SMR	No–Take	SMR
Moro Cojo Estuary SMR	No–Take	SMR
Monterey Submarine Canyon No Bottom Contact SMCA	Pelagic finfish ² and squid	SMCA high
Ed Ricketts SMCA	Recreational finfish by hook and line, and commercial take of kelp by hand north of 36° 36.83' North Latitude.	SMCA low
Hopkins SMR	No–Take	SMR
Pacific Grove–Monterey SMCA	Recreational finfish, Dungeness crab, and squid. Commercial Dungeness crab, pelagic finfish ² , squid, and kelp.	SMCA low
Carmel Pinnacles SMR	No–Take	SMR
Carmel Bay SMCA	Recreational finfish and commercial kelp and squid	SMCA low
Point Lobos SMR	No–Take	SMR
Point Lobos SMCA	Recreational and commercial salmon and commercial spot prawns	SMCA moderate
Point Sur Deep Reef SMCA	Pelagic finfish ²	SMCA high
Julia Pfeiffer Burns Offshore SMR	No–Take	SMR
Julia Pfeiffer Burns SMR	No–Take	SMR
Julia Pfeiffer Burns Offshore SMCA	Recreational and commercial salmon and commercial spot prawn	SMCA moderate
Big Creek SMR	No–Take	SMR
Alder Creek SMR	No–Take	SMR
Alder Creek SMCA	Pelagic finfish ²	SMCA high
Point Piedras Blancas SMR	No–Take	SMR
Cambria SMCA (SMP) ³	All recreational take	SMP low
Morro Bay Harbor SMCA	Recreational take, commercial bait fish receiving, and commercial aquaculture by permit.	SMCA low
Morro Bay South SMRMA	No–Take except recreational hunting of waterfowl unless otherwise prohibited	SMR
Point Buchon SMR	No–Take	SMR

MPA Name	Proposed Allowed Take	SAT level of protection¹
Point Buchon SMCA	Recreational and commercial salmon	SMCA high
Diablo Canyon Security Zone SMCA	No-Take	SMCA high
Vandenberg SMR	No-Take	SMR
Vandenberg Danger Zone 4 SMCA	Recreational and commercial salmon and crabs	SMCA moderate

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² Pelagic Finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

³ These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

Alternative 2 — This is the CCRSG Package 2R, developed primarily by constituents representing nonconsumptive interests along the central coast, and modified slightly by the Blue Ribbon Task Force. It consists of 30 MPAs covering an area of approximately 221 square miles, which represents approximately 19.3 percent of state waters within the central coast region (Table 3). Of

this, more than two thirds of the area is within no-take state marine reserves covering approximately 148 square miles or approximately 12.8 percent of state waters within the central coast region (Figure 3). The Department clarified certain proposed regulations for specific MPAs with the Package 2R proponents and included these in the proposed regulations.

Table 3. Alternative 2 proposal for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection¹
Año Nuevo SMR	No-Take	SMR
Baldwin to Natural Bridges SMR	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Moro Cojo Estuary SMR	No-Take	SMR
Soquel Canyon SMCA	Salmon and albacore	SMCA high
Portuguese Ledge SMR	No-Take	SMR
Edward C. Cooper SMR	No-Take	SMR
Ed Ricketts SMCA	November 1 through the end of February, the commercial take of kelp north of 36° 36.83' N. lat. by hand only. Not more than 15 tons of kelp may be harvested from the portion of Administrative Kelp Bed 220 within the Ed Ricketts State Marine Conservation Area in the open time period.	SMCA moderate
Hopkins SMR	No-Take	SMR

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Pacific Grove SMCA	Finfish may be taken recreationally in the area between the seaward extension of Esplanade Street and boundary of the Hopkins State Marine Reserve by hook and line or spear. Take is prohibited by use of poke-pole gear. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing. Commercial take prohibited except kelp harvesting allowed by hand harvest with restrictions to limit take approximately to existing levels.	SMCA low
Asilomar SMR	No-Take	SMR
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish by hook and line or spear except poke-pole gear is prohibited. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing. Commercial take of kelp by hand.	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Point Sur SMR	No-Take	SMR
Julia Pfeiffer Burns SMR	No-Take	SMR
Big Creek SMCA	Recreational and commercial salmon, albacore, and commercial spot prawn deeper than 50 fathoms	SMCA moderate
Big Creek SMR	No-Take	SMR
Piedras Blancas SMR	No-Take	SMR
Cambria SMCA (SMP) ²	All recreational take	SMP low
Ken Norris SMR	No-Take	SMR
Estero Bluff SMR	No-Take	SMR
Morro Bay SMCA	Recreational take and commercial receiving of finfish for bait and permitted aquaculture of oysters.	SMCA low
Morro Bay SMRMA	No-Take. Waterfowl hunting under DFG regulations is allowed.	SMCA high
Morro Bay East SMR	No-Take	SMR
Point Buchon SMR	No-Take	SMR
Point Buchon SMCA	Recreational and commercial salmon and albacore	SMCA high
Purisima Point SMR	No-Take	SMR
Point Arguello SMR	No-Take	SMR

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Beach Resort Monterey, 2600 Sand Dunes Drive, Bayview Conference Room, Monterey, California, on Friday, February 2, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Humboldt State University, Nelson Hall West, Goodwin Forum, 1 Harpst Street, Arcata, California, on Friday, March 2, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay, California, on Friday, April 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2007 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 10, 2007. All comments must be received no later than April 13, 2007 at the hearing in Bodega Bay, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in **strikeout—underline** format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Mr. Gary Stacey, Regional Manager, Marine Region, Department of Fish and Game, phone (562) 342-7108, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed,

they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

Each alternative may have negative short-term impacts on commercial and recreational fishing businesses. The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a Step 1 analysis or “maximum potential loss.” This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes, such as moving to other areas or changing fishing gear, that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits.

The estimates of maximum potential impact shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by Ecotrust and reported in various documents to the BRTF. Ecotrust interviewed fishermen to determine both location of fishing activities and the relative importance of

each location. Wilen and Abbott (2006) combined Ecotrust's importance indices with cost share information from secondary sources to measure the maximum potential impacts of prospective closures on expected net economic values from commercial fishing. Wilen and Abbott's economic impact analysis included alternatives 1 and 2, along with other alternatives presented to the Commission. Once the Commission selected a preferred alternative, the methodology used to determine potential impacts for alternatives 1 and 2 were applied to the Proposed Regulation to develop an estimate. The estimates of the maximum potential annual losses for the three alternatives considered here (in real 2005 dollars) are approximately: \$670,000 (Alternative 1); \$1,260,000 (Alternative 2); and \$1,010,000 (Proposed Regulation) (Table 5). These are

relative to average annual real 1999–2004 baseline gross revenues of approximately \$13,600,000 and net economic values of about \$8,800,000. They represent maximum potential percentage reductions in net pre-MPA economic values of: 7.5 percent (Alternative 1); 14.2 percent (Alternative 2); and 11.5 percent (Proposed Regulation) (Table 6).

It should be noted, however, that due to the methodology and need to maintain confidentiality of individual fishermen's financial data, the average impacts across fisheries may not be representative of the true maximum potential impact to an individual. In fisheries where there are few participants whose fishing grounds do not overlap (such as the spot prawn fishery) the numbers represented here may underestimate the maximum potential impact to individuals.

Table 5. Estimated annual maximum potential net economic value losses¹ relative to base scenario.

Fishery	Alternative 1	Alternative 2	Proposed Regulation
Anchovy	\$13,227	\$25,182	\$20,095
Cabazon	\$42,918	\$81,234	\$68,159
Dungeness crab	\$7,708	\$21,977	\$24,529
Deep Nearshore Rockfish	\$84,528	\$116,874	\$114,618
Halibut	\$13,492	\$20,992	\$20,112
Kelp Greenling	\$3,563	\$6,496	\$5,570
Lingcod	\$4,497	\$8,770	\$7,412
Mackerel	\$744	\$1,426	\$1,236
Rockfish Nearshore	\$73,302	\$131,432	\$115,028
Rockfish Shelf	\$7,109	\$12,074	\$7,881
Rockfish Slope	\$24,365	\$42,098	\$37,066
Rock Crab	\$9,966	\$11,055	\$11,321
Salmon	\$46,005	\$138,554	\$81,249
Sardine	\$39,830	\$84,297	\$63,698
Sablefish	\$40,032	\$136,567	\$139,908
White seabass	\$43,240	\$38,730	\$46,752
Surfperch	\$558	\$1,034	\$976
Spot Prawn	\$57,415	\$122,086	\$97,953
Squid	\$155,327	\$259,298	\$151,299
Total	\$667,826	\$1,260,176	\$1,014,862

¹Losses are calculated in 2005 dollars.

Table 6. Estimated annual maximum potential net value losses in percentage terms

Fishery	Alternative 1	Alternative 2	Proposed Regulation
Anchovy	5.7%	10.9%	8.7%
Cabazon	14.6%	27.7%	23.3%
Dungeness crab	4.5%	12.8%	14.3%
Deep Nearshore Rockfish	16.5%	22.8%	22.4%
Halibut	6.4%	10.0%	9.6%
Kelp Greenling	13.1%	23.9%	20.5%
Lingcod	13.1%	25.6%	21.6%
Mackerel	5.4%	10.3%	8.9%
Rockfish Nearshore	14.3%	25.6%	22.4%
Rockfish Shelf	7.5%	12.7%	8.3%
Rockfish Slope	14.3%	24.8%	21.8%
Rock Crab	12.0%	13.3%	13.6%
Salmon	3.4%	10.3%	6.0%
Sardine	5.2%	11.1%	8.4%
Sablefish	6.8%	23.3%	23.9%
White seabass	9.1%	8.2%	9.9%
Surfperch	2.7%	5.1%	4.8%
Spot Prawn	7.3%	15.5%	12.4%
Squid	6.2%	10.3%	6.0%
Total	7.5%	14.2%	11.5%

Wilén and Abbott also computed rough estimates of secondary impacts on the fish processing industry and multiplier effects on the regional economy. These are proportional to the primary impacts described above (Table 7).

Table 7. Summary of estimated maximum potential economic impacts (annual real 2005 dollars) expanded by secondary and multiplier effects.

	Primary Impacts	Secondary Impacts	Induced Impacts	Total Impacts
Alternative 1	\$667,826	\$256,856	\$1,155,852	\$2,080,534
Alternative 2	\$1,260,176	\$484,683	\$2,181,072	\$3,925,929
Proposed Regulation	\$1,014,862	\$390,331	\$1,756,491	\$3,161,683

Ecotrust also analyzed the maximum potential loss to recreational fishing area in terms of percentage of the total fishing grounds and percentage of the number of fishing trips in a given year. Ecotrust only used recreational skiff fishing data for these analyses and did not include Commercial Passenger Fishing Vessel (CPFV or “party boat”) spatial data. Similar to the commercial estimates of maximum potential loss, these estimates assume all fishing activity that previously occurred in a closed area is “lost” and not replaced by movement to another location. Estimates were made for the two primary

recreational fisheries in the central coast region, rockfish and salmon. None of the alternatives had greater than a 15 percent impact to total fishing grounds for rockfish or greater than a 5 percent impact to total fishing grounds for salmon and none had greater than a 30 percent impact to fishing trips for rockfish or greater than a 5 percent impact to fishing trips for salmon (Table 8). While not economic losses, if realized, the loss in recreational fishing activity could lead to decreases in revenues to recreational fishing dependent businesses.

Table 8. Maximum potential losses to private skiff recreational fishing grounds and fishing trips for rockfish and salmon.

	Alternative 1	Alternative 2	Proposed Regulation
Percent Recreational Salmon Grounds	0.01%	2.41%	1.13%
Percent of Salmon Fishing Trips	0.14%	2.55%	1.90%
Percent Recreational Rockfish Grounds	5.48%	13.53%	11.98%
Percent of Rockfish Fishing Trips	16.10%	28.25%	21.84%

In the long term, the potential negative impacts are expected to be balanced by the positive impacts of sustainable fisheries, non–consumptive benefits, and ecosystem function in the reserve areas. In addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas which prohibit bottom fishing for finfish, as well as through transport to distant sites.

The Commission has made an initial determination that the amendment of this regulation may have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
- (ii) consolidation or simplification of compliance and reporting requirements for businesses;

(iii) the use of performance standards rather than prescriptive standards; or

(iv) exemption or partial exemption from the regulatory requirements for business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial and recreational fishing and non–consumptive activities. Estimates of the numbers of jobs eliminated as a direct result of the proposed action are difficult to determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses are subject to failure for a variety of causes. Additionally, the long–term intent of the proposed action is to increase sustainability in fish stocks and subsequently the long–term viability of these same small businesses. Jobs related to the non–consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but also other regulations and processes. Current cooperative efforts with the Monterey Bay National Marine Sanctuary provide funding for some existing costs and are expected to increase with the adoption of this regulation. Changes in enforcement, monitoring, and management will increase costs to the Department of Fish and Game as compared to current efforts.

Based upon an analysis of costs of similar programs, the estimated total costs for implementing the central coast MPAs ranges from \$1.8 to \$7.4 million, with an average of \$4.6 million (Attachment 8). These costs would increase as new study regions are designated and become operational. Funding was provided to the Department of Fish and Game in the 2006/2007 Governor's budget to cover the implementation costs of the central coast MPAs.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 15. CORRECTIONS STANDARDS AUTHORITY

NOTICE OF PROPOSED AMENDMENT TO TITLE 15, MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES AND MINIMUM STANDARDS FOR LOCAL JUVENILE FACILITIES, CALIFORNIA CODE OF REGULATIONS, BY THE STATE CORRECTIONS STANDARDS AUTHORITY

Pursuant to Penal Code Sections 6030(e), (f) and 5007.7 and Welfare and Institutions Code Section 222, the State Corrections Standards Authority (CSA) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the CSA to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 4, California Code of Regulations (known as the Minimum Standards for Local Detention Facilities) and Title 15, Division 1, Subchapter 5, California Code of Regulations (known as the Minimum Standards for Juvenile Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The CSA will hold the following public hearings:

February 21, 2007

10:00 am

Corrections Standards Authority
660 Conference Room
660 Bercut Drive
Sacramento CA 95814

March 28, 2007

10:30 am

San Diego Sheriff's Department
Headquarters
9621 Ridgehaven Court
San Diego CA 92123

Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The CSA requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the CSA. The written comment period closes at **5:00 pm on April 14, 2007**. The CSA will consider only comments received at CSA offices by that time. Submit comments to:

Rebecca Craig, Field Representative
600 Bercut Drive
Sacramento CA 95814
Phone: (916) 324-2600
rebecca.craig@cdcr.ca.gov
Fax: (916) 327-3317

AUTHORITY AND REFERENCE

Penal Code Section 6030 and Welfare and Institutions Code Sections 210, and 885 authorizes the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 6030(e), (f) and 5007.7 of the Penal Code and Section 222 of the Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CSA proposes to adopt Section 1417, and amend sections 1029, 1206, 1248, 1357, 1358 and 1461 of Title 15 of the California Code of Regulations. New statutory language includes specific mandates requiring that pregnant adults and minors have a balanced, nutritious diet and vitamins recommended by a doctor; requires facilities to provide education regarding childbirth and infant care; and prohibits restraint while in labor, during transport, delivery and in recovery after giving birth pursuant to Penal Code Sections 6030(e), (f), and 5007.7 and Welfare and Institutions Code Section 222.

Summary of Existing Laws

Title 15 regulations discuss the management of pregnant adults and minors; however, the current regulations leave the specific components of care to be defined by the nurses and physicians at a facility in cooperation with the facility administrator. Penal Code Sections 6030(e), (f) and 5007.7 and Welfare and Institutions Code Section 222 require that CSA develop additional regulations specific to the management of pregnant adults and minors confined in correctional facilities. Penal Code Section 6030(e) requires that inmates who are received by the facility while they are pregnant are provided all of the following:

(1) A balanced, nutritious diet approved by a doctor.

- (2) Prenatal and postpartum information and health care, including, but not limited to, access to necessary vitamins as recommended by a doctor.
- (3) Information pertaining to childbirth education and infant care.

Penal Code Section 6030(f) provides that at no time shall a woman who is in labor be shackled by the wrists, ankles, or both including during transport to a hospital, during delivery, and while in recovery after giving birth, except as provided in Penal Code Section 5007.7.

Section 222(b) of the Welfare and Institutions Code requires that a ward shall not be shackled by the wrists, ankles, or both during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, subject to the security needs described in this section. Pregnant wards temporarily taken to a hospital outside the facility for the purposes of childbirth shall be transported in the least restrictive way possible, consistent with the legitimate security needs of each ward. Upon arrival at the hospital, once the ward has been declared by the attending physician to be in active labor, the ward shall not be shackled by the wrists, ankles, or both, unless deemed necessary for the safety and security of the ward, the staff, and the public.

Summary of Existing Regulations

Existing standards that prescribe requirements for local adult and juvenile detention facilities are promulgated by the Corrections Standards Authority. These regulations are contained in Title 15 Crime Prevention and Corrections, Division 1, Chapters 1, Subchapters 4 and 5 of the California Code of Regulations (CCR).

Summary of Effect

The proposed action would update Title 15, Division 1, Chapter 1, Subchapters 4 and 5 CCR adopting new and revised language to implement statute requiring the special management of pregnant adults and minors. The proposed action adds statutory requirement found in Penal Code Sections 6030(e), (f) and 5007.7 and Welfare and Institutions Code Section 222 as it pertains to diet, vitamins, education regarding childbirth and infant care, and limitations on the use of restraints for pregnant adults and minors.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to update regulations for local adult and juvenile detention facilities in conformance with statutory changes.

Minimum Standards for Local Detention Facilities:

Section 1029. Policy and Procedures Manual. This regulation outlines the policy and procedures that must be included in a facility's manual. The recommended change incorporates the requirements of Penal Code

Section 6030(f), which deals with restraining pregnant inmates.

Section 1206. Health Care Procedures Manual. This regulation illustrates what policies and procedures must be contained in a facility's health care procedures manual. The recommended revisions would add provisions required by Penal Code Section 6030(e), 2 and 3.

Section 1248. Medical Diets. This regulation describes the requirements for medical diets for inmates in custody. The recommended revision incorporates the requirements of Penal Code Section 6030(e), 1.

Minimum Standards for Local Juvenile Facilities:

Section 1358. Use of Physical Restraints. This regulation describes the requirements for the use of physical restraints on minors in custody. The regulation currently states that it does not apply to the use of restraints (handcuffs, shackles, etc.) when used to restrain minors for movement or transportation. The new language emphasizes that restraints (handcuffs, shackles, etc.) on pregnant minors is limited by statutory language.

Section 1461. Minimum Diet. This regulation describes the requirements for the minimum diet for minors in custody. It also requires a supplemental snack for pregnant minors if medically indicated. The new language requires a balanced and nutritious diet approved by a doctor as required by statute. This currently occurs in local juvenile facilities.

Section 1417 Pregnant Minors. This new regulation adds statutory requirements found in Penal Code Section 6030(e) and Welfare and Institutions Code Section 222 as it pertains to diet, vitamins, education and limitations regarding the use of restraints for pregnant minors.

Section 1357. Use of Force. This regulation describes the requirements for the use of force in local juvenile facilities. The regulation applies to the use of restraints (handcuffs, shackles, etc.) for movement, transportation or for safety purposes. The new statutory language limiting the use of restraints is included in this section to assure that these limitations are included when crafting policies and procedures for the use of force.

**DISCLOSURE REGARDING
THE PROPOSED ACTION**

The CSA has made the following initial determinations:

Mandate on local agencies and school districts:
Yes.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630:
Yes

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state:
None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None.

Small Business Determination:

The CSA has determined that the proposed regulations will have no affect on small businesses. These proposed regulations affect the operations and programs for local adult and juvenile detention facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The CSA invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Rebecca Craig, Field Representative
600 Bercut Drive
Sacramento, CA. 95814
Phone: (916) 324-2600
rebecca.craig@cdcr.ca.gov
Fax: (916) 327-3317

Or

Charlene Aboytes, Field Representative
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 324-1914
Charlene.Aboytes@cdcr.ca.gov
Fax: (916) 327-3317

Questions on the substance of the proposed regulations may be directed to Ms. Craig or Ms. Aboytes.

Please direct requests for copies of the proposed text of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Ms. Craig at the above contact information.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Initial Statement of Reasons and text of the proposed regulations, as well as the rulemaking file, which includes all the information on which this proposal is based, is available for viewing at the CSA's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the CSA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the CSA website at www.csa.ca.gov. Those persons who do not have access to the Internet may submit a written request to Rebecca Craig at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in ~~strikeout~~ and underline can be accessed through our website at www.csa.ca.gov. Those persons who do not have access to the Internet may submit a written request to Rebecca Craig at the above address.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF PROPOSED REGULATION ADOPTION

California Code of Regulations Title 17.—Public Health Division 4 —California Institute For Regenerative Medicine Chapter 2

Date: January 26, 2007

**Deadline for Submission of Written Comment:
March 12, 2007 — 5:00 p.m.**

Hearing Date: None scheduled.

**Subject Matter of Proposed Regulations: Use of
Fetal Tissue**

Sections Affected:

The proposed regulations adopt section 100085 of Title 17 of the California Code of Regulations.

Authority: Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (j).

Reference: Sections 125290.35, 125290.40, 125290.55, 125300, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in early 2005 with the passage of Proposition 71, the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens' Oversight Committee ("ICOC") is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The Scientific and Medical Accountability Standards Working Group ("Standards Working Group") makes recommendations to the 29-member ICOC that governs the CIRM on scientific, medical and ethical standards pertaining to stem cell research the institute

funds. Specifically, California Health and Safety Code section 125290.55 requires the Standards Working Group to: 1) recommend to the ICOC scientific, medical and ethical standards; 2) recommend to the ICOC standards for all medical, socioeconomic, and financial aspects of clinical trials and therapy delivery to patients, including, among others, standards for safe and ethical procedures for obtaining materials and cells for research and clinical efforts for the appropriate treatment of human subjects in medical research consistent with paragraph (2) of subdivision (b) of Section 125290.35, and to ensure compliance with patient privacy laws; 3) recommend to the ICOC modification of the standards described in numbers (1) and (2) as needed; 4) make recommendations to the ICOC on the oversight of funded research to ensure compliance with the standards described in numbers (1) and (2); 5) advise the ICOC, the Scientific and Medical Research Funding Working Group, and the Scientific and Medical Research Facilities Working Group on an on-going basis on relevant ethical and regulatory issues.

Fetal tissue is a source for human stem cell lines or other cell lines of a pluripotent nature. As such, principles for the use of fetal tissue have been developed in other jurisdictions to address the unique ethical issues associated with the use of fetal tissue in research. This regulation is designed to compliment policies in other jurisdictions for fetal tissue research, and describe specific conditions that should be met for fetal tissue to be used in research. Specifically, the regulation embodies five principles:

- (1) Unrestricted donation: There are no restrictions on who may receive tissue;
- (2) Disclosure of interest: The attending physician should disclose any interest in the research using fetal tissue;
- (3) Timing of abortion: The proposed research should not influence a woman's decision to continue her pregnancy.
- (4) Medical management of abortion: No alteration of the timing, method, or procedures used to terminate the pregnancy should be made solely for the purposes of obtaining the tissue; and
- (5) Legality of abortion: The abortion should be performed in accordance with applicable State and Federal law.

Technical, Theoretical or Empirical Studies, Reports or Documents:

A. Documents or Laws:

NIH, Research on Transplantation of Fetal Tissue — 42 USC § 498A.
<http://www.hhs.gov/ohrp/humansubjects/guidance/publiclaw103-43.htm>

B. Public Input:

Discussion and public input received at five public meetings conducted by the ICOC and Scientific and Medical Research Working Group, on April 4, 2006, April 6, 2006, May 3, 2006, November 13, 2006, and December 6, 2006.

Copies of the documents referenced above are available at the internet link indicated or at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in Section “B” are available on CIRM’s website, www.cirm.ca.gov under the “Meetings Transcripts” and “Meetings Minutes” links.

Submittal of Comments:

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on March 12, 2007. Comments regarding this proposed action may also be transmitted via e-mail to tissuecomments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person’s representative requests a public hearing, he or she must do so in writing no later than February 26, 2007.

Effect on Small Business:

CIRM has determined that the proposed regulatory action has no impact on small businesses. The regulation implements conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private non-profit institutions, as well as large for-profit institutions. As such, the regulation is not expected to adversely impact small business as defined in Government Code section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory action.

Effect on Housing Costs:

CIRM has made an initial determination that the proposed action will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on the Creation, Elimination, or Expansion of Jobs:

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives:

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text:

After the close of the comment period, CIRM may make the regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Interim Counsel
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396-9136

Questions on the substance of the proposed regulatory action may be directed to:

Geoff Lomax, Senior Officer for Medical and Ethical Standards
California Institute for Regenerative Medicine
(415) 396-9134

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at www.cirm.ca.gov.

**TITLE 19. OFFICE OF THE STATE
FIRE MARSHAL**

NOTICE OF PROPOSED RULEMAKING

**OFFICE OF THE STATE FIRE MARSHAL
California Code of Regulations Title -19**

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action until 5 pm on March 12, 2007.

Send mailed comments to:

OFFICE OF THE STATE FIRE MARSHAL
Attention: Diane Arend
P.O. Box 944246
Sacramento, CA 94244-2460

Or by e-mail to

ProposedSystemTags@fire.ca.gov

Or you may fax your comments to:

Attention: Diane Arend
(916) 327-4998

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Sections: 13195, 13196.5, 13197 with reference to 13195, Health and Safety Code.

INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW

The State Fire Marshal proposes to: amend Title 19 CCR, Chapter 5, Section 906.2 to address self-adhesive type tags which cannot have information printed on the adhesive side.

Current Law requires the State Fire Marshal to establish and control a program for servicing, testing, and maintaining all automatic fire extinguishing systems and to establish minimum frequencies of service, inspection and testing for the various types of automatic fire extinguishing systems. Automatic fire extinguishing systems include, but are not limited to fire sprinkler systems, engineered and pre-engineered fixed extinguishing systems, standpipe systems, and alarm and supervisory equipment attached to those systems.

This proposal amends section 906.2 in Chapter 5, Automatic Fire Extinguishing Systems, Title 19 CCR so

the service tags printing format does not conflict with the use of self-adhesive tags.

The State Fire Marshal utilized the Automatic Fire Extinguisher Advisory Committee to make recommendations regarding revising this regulation.

Proposed Title 19 Modified Sections

Section 906.2 is being proposed to be adopted to address the tagging requirements of engineered and pre-engineered fixed systems.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on representative private persons or affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- a) create or eliminate jobs within California;
 - b) create new businesses or eliminate existing businesses within California; or
 - c) affect the expansion of businesses currently doing business within California.
8. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The State Fire Marshal amendment to these regulations changes the format of the service tag for purposes of cleanup with no additional cost and provides a more usable tag.

CONSIDERATION OF ALTERNATIVES

The State Fire Marshal must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based may be directed to:

Diane Arend
P.O. Box 944246
Sacramento, California 94244–2460
Telephone: (916) 324–9592
Fax: (916) 445–8459
E-mail: diane.arend@fire.ca.gov

Alternate Contact:

James Parsegian, Supervising DSFM
P.O. Box 944246
Sacramento, California 94244–2460
Telephone: (916) 445–8415
Fax: (916) 445–8458
E-mail: james.parsegian@fire.ca.gov

**AVAILABILITY OF STATEMENT OF
REASONS AND TEXT OF
PROPOSED REGULATIONS**

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of the date this notice is published in the Notice Register the State Fire Marshal rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the final statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Diane Arend at the address or telephone number listed above.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days before the State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should be sent to Diane Arend at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Diane Arend at the above address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed through our web-site at <http://osfm.fire.ca.gov>.

**TITLE 22. EMPLOYMENT
DEVELOPMENT DEPARTMENT**

**Adopt Sections 2708(d)–1(a), 2708(d)–1(b) and
2708(d)–1(c) of Title 22, California Code of
Regulations**

**MEDICAL PROVIDERS — PROFESSIONAL
LICENSE VERIFICATION AND TIMELINES**

Notice of Proposed Rulemaking

The Employment Development Department (Department) is proposing to adopt regulations that will enhance the Department's ability to administer the State Disability Insurance (SDI) and the Paid Family Leave (PFL) programs by providing the means to guard against potential fraud and abuse of the programs. The proposed regulations will be added as California Code of Regulations (CCR), title 22, sections 2708(d)–1(a), 2708(d)–1(b), and 2708(d)–1(c).

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Senate Bill 1661 (Chapter 901, Statutes 2002) added the Family Temporary Disability Insurance (FTDI) benefit to the California Unemployment Insurance Code (code). The FTDI benefit, otherwise known as PFL, expanded the scope of SDI to provide a wage replacement benefit so claimants can take leave to care for a seriously ill child, spouse, parent, registered domestic partner, or to bond with a new child. All SDI benefits issued by the Department are paid out of the Disability Insurance (DI) fund. Code section 2701.5 requires the Department to issue the initial benefits payment to an eligible claimant within 14 days of receipt of the claimant's first properly completed disability claim. In addition, code section 2708(d) requires that claims of an individual who obtains care and treatment outside this state must be supported by a certificate of a treating medical provider licensed or certified by the state or foreign country in which the claimant receives care and treatment before a claim can be paid.

When licensing verification cannot be obtained within 14 days of claim submission, the claim is put in "suspense." This results in deferring the eligibility determination of the claim until license status is verified. Typically, license verification in California and other states can be obtained within three days by telephone or the states' respective web sites.

A license verification for a medical provider in a foreign country could take up to 120 days or more. Some verification requests never receive a response and claims are held in suspense indefinitely or sent notification informing the claimant that benefits have been denied. Licensing and regulatory agency processes and documentation required for a medical provider vary from one country to another. Each request for verification is researched and handled individually based on the official licensing authority rules, regulations and processes in the respective countries.

Recent changes in organizational responsibility for the medical provider license verification function and process enhancements over the past year have resulted in consistent processing of license verification requests. If a response to the verification request is not received within ninety (90) days, the disapproved request is returned to the examiner and appropriate action is taken on the claim by the examiner at that time. However, there are currently no regulations that specify:

- The term a claim for SDI benefits can be held in suspense while the license of the treating medical provider is verified;
- The types of documentation acceptable to verify the status of a license; or

- That benefits will not be paid until acceptable license verification is received.

These proposed regulations will address the above three bulleted items.

Authority and Reference:

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Section 2708, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact:

The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states because the license for a claim's certifying medical provider who is based in California can be validated within two days. The Department has determined that the proposed regulations will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Anticipated impact on housing costs: The proposed regulations will have no effect on housing costs.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The proposed regulation will have no effect on small businesses because the license for a claim's certifying medical provider who is based in California can be validated within two days.

Local Mandate Determination:

The Department has determined that these proposed regulations will not impose any new mandates on school districts or other local governmental agencies or

any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than March 12, 2007, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-7712
Fax No.: (916) 654-9069
E-mail Address: eddlegal@edd.ca.gov

Note: In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers, Legal Analyst
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Estela Gallawa, Staff Counsel
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed EDD Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on March 12, 2007.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

BOARD OF ACCOUNTANCY

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (Board) is continuing a rulemaking action that was originally initiated in October 2006. This is an additional notice regarding the proposed text and a notice of a second hearing.

Information regarding the proposed action is described in the Updated Informative Digest. Any interested person may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Pasadena 303 East Cordova Street, Pasadena, California 91101, 11:00 a.m. on Friday, March 23, 2007.

Written comments must be received by the Board at its office including those sent by mail, facsimile, or email to the address listed under Contact Person in this notice, no later than March 9, 2007, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal, or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5050, 5018, and 5098, Business and Professions Code, and to implement, interpret, or make specific Sections 5097 and 5098, Business and Professions Code, the Board is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

UPDATED INFORMATIVE DIGEST

On October 6, 2006, the Board mailed a Notice of Proposed Changes regarding proposed amendments to various sections of Title 16 of the California Code of Regulations (CCR). Among those regulations were Sections 68.3 and 68.4 that pertain to the retention period for audit documentation and requirements for changes in audit documentation, respectively. A public hearing on these proposed changes was conducted on December 1, 2006, as part of the Board's duly noticed meeting in San Diego, California. As a result of comments made at that hearing, the Board decided to provide an additional period for public comment and a second public hearing on these proposed changes.

The purpose of this Notice of General Public Interest is to inform the public concerning the additional period for public comment and the second public hearing.

POLICY STATEMENT OVERVIEW

1. Amend Sections 68.3 and 68.4 of Title 16 of the California Code of Regulations.

Business and Professions Code Business Section 5097 establishes audit documentation requirements for licensees of the California Board of Accountancy, and Business and Professions Code Section 5098 authorizes the Board to adopt regulations related to procedures for the identification, dating, and retention of audit documentation.

Title 16, CCR, Section 68.3 currently provides a start date and other requirements for the retention period for audit documentation. This proposal would amend Section 68.3 to change the start date for the documentation retention period from the report date to the date of issuance of the report (report release date).

Title 16, CCR, Section 68.4 currently provides requirements for changes in audit documentation after issuance of the audit report. This proposal would revise Section 68.4 to specify a document assembly period after the date of issuance of the report during which audit documentation may be assembled without documentation of the changes being made. Also, this proposal would revise Section 68.4 to prohibit any removal, deletion, substitution, or editing of audit documentation after the end of the document assembly period and would require specified documentation of any additions to audit documentation that occur after the end of the document assembly period.

The objective of this proposal is to make the Board's audit documentation requirements more consistent with the requirements of the Public Company Accounting Oversight Board and the American Institute of Certified Public Accountants' Auditing Standards Board.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Aronna Wong
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815

Telephone No.: (916) 561-1788
Fax No.: (916) 263-3675
Email Address: awong@cba.ca.gov

The backup contact person is:

Name: Carol Sigmann
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815

Telephone No.: (916) 561-1718
Fax No.: (916) 263-3675
Email Address: csigmann@cba.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Aronna Wong at (916) 561-1788.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The California Board of Accountancy has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named above or by accessing the Web site listed below.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.dca.ca.gov/cba.

BOARD OF PODIATRIC MEDICINE

**NOTICE OF CANCELLATION OF
REGULATORY HEARING**

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine is hereby canceling its regulatory hearing regarding Review of National Board Applications; Processing Time, § 1399.664 scheduled for February 2, 2007, originally noticed in Register 2006, No.44-Z, published November 3, 2006; Notice of change of Location for Public Hearing in Register 2006, No. 50-Z, published December 15, 2006.

NOTICE IS ALSO GIVEN that a public hearing for this regulatory proposal will be scheduled sometime in the near future. You will be notified of the exact date, time, and location of the new hearing.

If you have any questions or comments, you may direct them to:

Kathleen Cook, Administration Analyst
Board of Podiatric Medicine
1420 Howe Avenue, Suite 8
Sacramento, CA 95825
Telephone: 916.263.0315
Fax: 916.263.2651
E-mail address: kathleen_cook@dca.ca.gov

FISH AND GAME COMMISSION

**Notice of Location Change for Adoption Hearing
on Proposed Regulatory Action**

In a notice of proposed regulatory action published in the California Regulatory Notice Register 2006, No. 51-Z, on December 22, 2006, the Fish and Game Commission proposed to amend Section 125 and add Section 125.1, Title 14, CCR, regarding the use of rock crab as bait in commercial finfish traps. The location of the hearing relevant to this action has been changed from Humboldt State University, Founders Hall, Green and Gold Room, 1 Harpst Street, Arcata, California, to Humboldt State University, Nelson Hall West, Good-

win Forum, 1 Harpst Street, Arcata, California, on Friday, March 2, 2007 at 8:30 a.m. or as soon thereafter as the matter may be heard. Written comments must be received no later than March 2, 2007, at the hearing in Arcata. For additional information, please refer to the notice published on December 22, 2006.

DECISION NOT TO PROCEED

FISH AND GAME COMMISSION

Notice of Decision Not to Proceed

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission, at the request of the Department of Fish and Game, decided not to proceed with the amendment of Section 632, Title 14, California Code of Regulations, regarding marine protected areas, Notice File Number Z-06-1031-05, which was published November 10, 2006 in California Notice Register 2006, No. 45-Z, pages 1682-1697.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Heavy Duty Vehicle Smoke Inspection Program

This regulatory action amends the current heavy-duty commercial vehicle (HDCV) inspection program to require that emission control labels (ECLs) be affixed to the diesel-powered engine for all 1977 and later model HDCVs with a gross vehicle weight rating greater than 10,000 pounds. During the first year after this action becomes effective, if a citation is issued, the civil penalty will be waived provided the owner affixes a replacement ECL within 45 days. After the one year peri-

od, an owner will receive a citation and a mandatory penalty of \$300 for a missing ECL. However, the \$300 penalty will be waived if the owner presents documentation at the time of inspection that the vehicle's engine was in compliance with federal emission standards at the time of manufacture. HDCVs with an affixed label, but which are not equipped with engines that met federal standards at the time of manufacture will be assessed a civil penalty of an additional \$500.

Title 13

California Code of Regulations

ADOPT: 2189 AMEND: 2180, 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2188

Filed 01/16/07

Effective 02/15/07

Agency Contact: Alexa Malik (916) 322-4011

ATHLETIC COMMISSION

Ring

In this action, the State Athletic Commission is amending Title 4, California Code of Regulations, Section 523 to add rope-enclosed rings as an alternative to existing fence-enclosed rings for all non-kickboxing martial arts events. The amendment sets forth specific construction and safety requirements, establishes performance standards for both types of rings, and corrects cross-reference numbers for kickboxing ring requirements. Amended Section 523 is effective upon filing with the Secretary of State.

The original proposed text was adopted by the State Athletic Commission at its 4-26-06 public hearing under authority of Business and Professions Code sections 18611 and 18613, which expired on 7-1-06 pursuant to SB 1549 (2004). The text was modified for clarity, made available for 15-day public comment, and adopted as final text under interim authority of Department of Consumer Affairs pursuant to Business and Professions Code sec. 101.1(b). State Athletic Commission authority was re-established effective 1-1-07 pursuant to SB 247 (2006).

Title 4

California Code of Regulations

ADOPT: 523

Filed 01/17/07

Effective 01/17/07

Agency Contact: Armando Garcia (916) 263-2195

BOARD OF BARBERING AND COSMETOLOGY Schedule of Administrative Fines

This regulatory action amends the schedule of administrative fines that the Board may impose.

Title 16
California Code of Regulations
AMEND: 974
Filed 01/10/07
Effective 02/09/07
Agency Contact: Paul Cobb (916) 445-8893

BOARD OF GOVERNORS, CALIFORNIA COMMUNITY COLLEGES

Minimum requirements for the Associate Degree

The Board of Governors, California Community Colleges (Board), is amending section 55806, title 5, California Code of Regulations. Pursuant to Education Code Section 70901.5, on November 29, 2006, the Board filed the changes with the Secretary of State's Office. Further, on January 10, 2007, the Office of Administrative Law with the express instruction by the Board filed an amended filing with the Secretary of State's Office.

Title 5
California Code of Regulations.
AMEND: 55806
Filed 01/10/07
Effective 02/09/07
Agency Contact: Ralph D. Black (916) 327-5692

CALIFORNIA HORSE RACING BOARD

Stewards' Minutes

This rulemaking action requires Steward's Minutes to include a report of all on-track accidents involving jockeys or drivers on an attached form.

Title 4
California Code of Regulations
AMEND: 1536
Filed 01/11/07
Effective 02/10/07
Agency Contact: Harold Coburn (916) 263-6397

COURT REPORTERS BOARD OF CALIFORNIA Professional Standards of Practice

Section 8025 of the Business and Professions Code states that a licensee may be disciplined for "unprofessional conduct" which includes acts contrary to professional standards. The Board is adopting a regulation to further interpret the standards of practice and acts which violate those standards.

Title 16
California Code of Regulations
ADOPT: 2475
Filed 01/11/07
Effective 02/10/07
Agency Contact:
Julia Miranda-Bursell (916) 263-3660

DEPARTMENT OF GENERAL SERVICES Increasing Small Business Ceiling

This action amends the existing "small business" and "microbusiness" gross receipts ceilings to compensate for inflation as required by Government Code section 14837(d)(3).

Title 2
California Code of Regulations
AMEND: 1894.4, 1896.12
Filed 01/11/07
Effective 01/11/07
Agency Contact: Melodie Cato (916) 375-4935

DEPARTMENT OF SOCIAL SERVICES Foster Youth Personal Rights

In this regulatory action, the Department of Social Services amends regulations pertaining to small family homes, group homes, community treatment facilities, the transitional housing placement program, and foster family homes. The regulatory amendments relate to the rights of children in foster care and implement statutory changes to Welfare and Institutions Code section 16001.9.

Title 22, MPP
California Code of Regulations
ADOPT: 86072.1 AMEND: 83064, 83072, 84072, 84079, 84172, 84272, 86072, 89372, 89379
Filed 01/17/07
Effective 02/16/07
Agency Contact: Alison Garcia (916) 657-2586

OFFICE OF REAL ESTATE APPRAISERS Amendment to Regulations

This is the Certificate of Compliance for an emergency regulation which modified the schedule by which applicants for real estate appraiser licenses must demonstrate completion of education, experience, and examination requirements.

Title 10
California Code of Regulations
AMEND: 3528
Filed 01/10/07
Effective 01/10/07
Agency Contact:
Anthony F. Majewski (916) 440-7878

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN AUGUST 16, 2006 TO
JANUARY 17, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

01/11/07 AMEND: 1894.4, 1896.12
01/09/07 ADOPT: 18534
01/09/07 AMEND: 18707.1
01/09/07 ADOPT: 18530.3
01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106
12/22/06 AMEND: 21906
12/18/06 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5
12/18/06 AMEND: 18312, 18316.5, 18326, 18401, 18521, 18537.1, 18704.5, 18705.5, 18730, 18746.2
12/18/06 AMEND: 18545
12/18/06 ADOPT: 18421.3
12/14/06 ADOPT: 18707.10
12/13/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
11/06/06 AMEND: 18216, 18421.1
11/03/06 AMEND: 1859.73.2
10/31/06 AMEND: 559.500, 559.501, 559.503, 559.504, 559.505, 559.507, 559.508, 559.509, 559.510, 559.511, 559.512, 559.513, 559.515, 559.516, 559.517
10/12/06 AMEND: 714
09/27/06 AMEND: 18754
09/07/06 AMEND: 21904, 21905
09/05/06 AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1
08/23/06 AMEND: 1181.4
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5

Title 3

01/09/07 AMEND: 3433(b)
01/08/07 AMEND: 3591.6(a)
01/08/07 AMEND: 3591.2(a)
01/05/07 AMEND: 3433(b)
01/05/07 AMEND: 6625
01/05/07 AMEND: 3406(b)
01/03/07 AMEND: 3424(b)
12/20/06 AMEND: 3423(b)
12/20/06 AMEND: 3433(b)
12/19/06 ADOPT: 6310, 6312, 6314 AMEND: 6170
12/06/06 AMEND: 3700(c)
12/06/06 AMEND: 3591.6
11/30/06 ADOPT: 6128 AMEND: 6130
11/16/06 AMEND: 3433(b)
11/13/06 AMEND: 3423(b)
11/08/06 AMEND: 3591.2(a)
10/27/06 ADOPT: 765 AMEND: 760.4, Article 3.5
10/19/06 AMEND: 3591.6(a)
10/12/06 ADOPT: 3424
10/12/06 AMEND: 3433(b)
10/12/06 AMEND: 3433(b)
10/06/06 AMEND: 3591.13(a)
10/06/06 AMEND: 3700(c)
10/05/06 AMEND: 3589
10/05/06 AMEND: 3433(b)
10/02/06 AMEND: 3591.6(a)
09/19/06 AMEND: 3433(b)
09/12/06 AMEND: 3591.12(a)
09/12/06 AMEND: 3406(b)
09/08/06 AMEND: 3423(b)
09/07/06 AMEND: 3433(b)
09/05/06 AMEND: 3406(b)
08/29/06 AMEND: 3433(b)
08/24/06 AMEND: 3433(b)
08/23/06 AMEND: 3591.12(a)
08/17/06 AMEND: 3591.19(a)
08/16/06 AMEND: 3433(b)

Title 4

01/17/07 ADOPT: 523
01/11/07 AMEND: 1536
12/05/06 AMEND: 1582
11/22/06 AMEND: 1544 & 1658
11/16/06 ADOPT: 2422.1
11/03/06 AMEND: 10152, 10153, 10155, 10159, 10160, 10161, 10162
10/24/06 AMEND: 1486
10/16/06 AMEND: 1733
09/26/06 AMEND: 1976.8

Title 5

01/10/07 AMEND: 55806
 11/13/06 AMEND: 18013, 18054
 11/08/06 AMEND: 850, 851, 852, 853, 854, 855, 857, 858, 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 870 REPEAL: 850.5, 880, 881, 882, 883, 884, 886, 887, 888, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901
 10/26/06 AMEND: 30023(c)
 10/23/06 ADOPT: 11991, 11991.1, 11991.2
 10/16/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
 09/29/06 ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831
 09/15/06 REPEAL: 18074.1(b), (c), (d), 18074.3, 18074.4, 18074.5, 18074.6
 08/30/06 ADOPT: 15566, 15567, 15568 REPEAL: 15569

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12/29/06 AMEND: 1598, 1599
 12/27/06 AMEND: 3385
 12/21/06 AMEND: 5031
 12/15/06 AMEND: 5006.1
 11/14/06 AMEND: 3482, 5161, 5178
 11/14/06 AMEND: 6368
 11/08/06 AMEND: 17000 Appendix
 11/02/06 AMEND: 3650
 10/18/06 AMEND: 9768.5, 9768.10, 9788.11, 9788.31, 9789.33
 09/29/06 AMEND: 341, 341.1
 09/25/06 AMEND: 4920
 09/21/06 ADOPT: 10001, 10002, 10003
 09/19/06 ADOPT: 1532.2, 5206, 8359 AMEND: 5155

Title 9

12/29/06 ADOPT: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.080, 3200.090, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3405, 3410, 3415, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650
 11/21/06 AMEND: 9100

09/25/06 ADOPT: 3400

Title 10

01/10/07 AMEND: 3528
 01/08/07 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
 01/03/07 ADOPT: 2642.4, 2643.8, 2644.24, 2644.25, 2644.26, 2644.27, 2644.50, AMEND: 2642.5, 2642.6, 2642.7, 2643.6, 2644.2, 2644.3, 2644.4, 2644.5, 2644.6, 2644.7, 2644.8, 2644.10, 2644.12, 2644.15, 2644.16, 2644.17, 2644.18, 2644.19, 2644.20, 2644.21, 2644.23
 12/29/06 AMEND: 2052.1, 2052.4
 12/29/06 AMEND: 2651.1, 2661.1, 2661.3, 2662.1, 2662.3, 2662.5
 12/29/06 AMEND: 2222.10, 2222.11, 2222.12, 2222.14, 2222.15, 2222.16, 2222.17, 2222.19 REPEAL: 2222.13
 12/29/06 ADOPT: 5327, 5357.1, 5358, 5358.1 AMEND: 5350, 5352
 12/29/06 AMEND: 2696.1, 2696.2, 2696.3, 2696.5, 2696.6, 2696.7, 2696.9, 2696.10 REPEAL: 2696.4, 2696.8
 12/29/06 AMEND: 2632.5(c)
 12/27/06 AMEND: 2498.6
 12/26/06 ADOPT: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86, 2698.87, 2698.88, 2698.89, 2698.89.1 AMEND: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86
 12/22/06 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8
 12/20/06 ADOPT: 2614, 2614.1, 2614.2, 2614.3, 2614.4, 2614.5, 2614.6, 2614.7, 2614.8, 2614.9, 2614.10, 2614.11, 2614.12, 2614.13, 2614.14, 2614.15, 2614.16, 2614.17, 2614.18, 2614.19, 2614.20, 2614.21, 2614.22, 2614.23, 2614.24, 2614.25, 2614.26, 2614.27
 12/19/06 AMEND: 2690.90, 2690.91, 2690.92, 2690.93, 2690.94
 12/13/06 ADOPT: 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46
 11/15/06 AMEND: 2697.6, 2697.61
 11/09/06 AMEND: 2498.5
 11/09/06 AMEND: 2534.27, 2534.28
 10/24/06 ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.16,

	2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25	10/16/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17	10/16/06	AMEND: 1956.8, 2404, 2424, 2425, 2485
10/10/06	AMEND: 2498.4.9	10/05/06	AMEND: Section 1	09/14/06	AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
10/03/06	AMEND: 2498.5	09/11/06	ADOPT: 2467.8, 2467.9 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5. 2467.6, 2467.7, Incorporated Documents	REPEAL: 2467.8, Incorporated Test Method 512	
10/02/06	AMEND: 2248.4, 2249.1, 2249.2, 2249.6, 2249.7, 2249.8, 2249.9, 2249.10, 2249.11, 2249.12, 2249.13, 2249.14, 2249.15, REPEAL: 2248.11, 2248.12, 2248.19	09/07/06	AMEND: 1956.1, 1956.8, 2023.1, 2023.4	08/24/06	AMEND: 28.22
09/20/06	AMEND: 2318.6, 2353.1	Title 13, 17		12/27/06	ADOPT: 93116.3.1 AMEND: 2452, 2456, 2461, 93115, 93116.2, 93116.3
09/14/06	AMEND: 3528	12/06/06	ADOPT: 2299.1, 93118	Title 14	
08/29/06	AMEND: 2699.6600	12/28/06	ADOPT: 25231	12/26/06	AMEND: 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1712, 1714, 1720, 1721, 1721.2, 1721.3, 1721.3.1, 1721.4, 1721.5, 1721.6, 1721.7, 1721.8, 1721.9, 1722, 1722.1.1, 1722.3, 1722.4, 1722.5, 1722.7, 1723, 1723.5, 1723.7, 1723.8, 1723.9, 1724
08/28/06	ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807	12/19/06	AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231	12/05/06	AMEND: 2305, 2310, 2320
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12/21/06	AMEND: 1070, 1081, 1082	11/27/06	ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33	11/22/06	AMEND: 939.15, 959.15
12/21/06	AMEND: 48.6	11/16/06	AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9	11/14/06	AMEND: 5101, 5104
12/21/06	ADOPT: 80.3	11/07/06	AMEND: 11900		
10/13/06	AMEND: 30.1				
10/13/06	AMEND: 30.5				
08/16/06	ADOPT: 1084				
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01/16/07	ADOPT: 2189 AMEND: 2180, 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2188				
12/27/06	ADOPT: 1300 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425				
12/13/06	AMEND: 553.70				
12/06/06	ADOPT: 2022, 2022.1				
12/01/06	ADOPT: 2479				
11/13/06	AMEND: 2445.2(a)				
11/13/06	AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446				
10/30/06	ADOPT: 118.00				
10/27/06	AMEND: 423.00				

11/02/06 AMEND: 183
 10/19/06 AMEND: 632(b)(72)
 10/11/06 AMEND: 895, 895.1, 1038, 1038(f)
 10/06/06 AMEND: 670.2
 09/20/06 AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]
 09/19/06 AMEND: 502
 09/15/06 AMEND: 851.8, 851.23, 851.51.1, 851.85, 852.3, 851.4, 851.10, 851.10.1
 08/31/06 AMEND: 27.80

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12/19/06 ADOPT: 3413.1 AMEND: 3413
 12/04/06 AMEND: 3041.2, 3053, 3177, 3331, 3375
 11/03/06 AMEND: 3375.2, 3377.1
 11/03/06 AMEND: 3084.1
 10/06/06 ADOPT: 2275
 10/03/06 ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3358

Title 16

01/11/07 ADOPT: 2475
 01/10/07 AMEND: 974
 12/27/06 ADOPT: 1713 AMEND: 1717
 12/20/06 AMEND: 1397.61(b)
 12/18/06 ADOPT: 980.2, 980.3 AMEND: 980.1
 12/07/06 ADOPT: 1793.8 AMEND: 1793.7
 12/05/06 AMEND: 1397.12
 11/16/06 AMEND: 28
 11/16/06 AMEND: 1351.5, 1352
 11/16/06 AMEND: 1397.60, 1397.61, 1397.62
 11/16/06 ADOPT: 1399.170.20.1 AMEND: 1399.151.1
 11/15/06 AMEND: 4120, 4121, 4161, 4162
 11/15/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034
 11/08/06 AMEND: 4130
 11/02/06 AMEND: 3394.6
 10/31/06 AMEND: 100, 102, 109, 111, 117, 136
 10/26/06 AMEND: 345
 10/17/06 AMEND: 928
 10/11/06 AMEND: 3303.2, 3340.15, 3340.18, 3340.32, 3340.42, 3394.5
 10/03/06 AMEND: 70
 09/28/06 AMEND: 1399.156.4
 09/26/06 AMEND: 1579
 09/12/06 AMEND: 384
 09/07/06 ADOPT: 1399.391

08/31/06 ADOPT: 1727.1
 08/25/06 AMEND: 1922, 1936, 1948
 08/17/06 ADOPT: 601.5, 642.5 AMEND: 600.1, 601.3, 602, 602.1, 603, 605, 606, 607.4, 608.3, 627

Title 17

01/09/07 AMEND: 93000
 01/08/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
 11/27/06 AMEND: 94010, 94011, 94167, and Incorporated Documents
 11/07/06 AMEND: 54342, 56076
 11/06/06 AMEND: 1000600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610
 10/26/06 AMEND: 2500, 2505
 10/17/06 AMEND: 93102.5
 10/12/06 ADOPT: 6500.1, 6500.5, 6500.19, 6500.25, 6500.28, 6500.31, 6500.35, 6500.39, 6500.45, 6500.46, 6500.57, 6500.59, 6500.65, 6500.67, 6500.69, 6500.70, 6500.74, 6500.77, 6500.80, 6501.2, 6502, 6504.2, 6504.4, 6504.6, 6506.2, 6506.6, 6506.8, 6506.10, 6506.12
 10/10/06 ADOPT: 100010, 100020, 100030, 100040, 100050, 100060, 100070, 100080, 100090, 100095, 100100, 100110
 10/05/06 ADOPT: 100001, 100002, 100003, 100004
 10/04/06 AMEND: 57310(b)(3), 57332(c)(3)(A), 57332(9)(A)2.a
 09/11/06 ADOPT: 100000

Title 18

01/03/07 AMEND: 1610, 1705.1
 11/13/06 AMEND: 1699, 1802
 09/15/06 AMEND: 1620
 09/08/06 ADOPT: 1125, 1423 AMEND: 1123, 1420

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12/28/06 ADOPT: 574 REPEAL: 597, 597.1, 597.2, 597.3, 597.4, 597.9, 603, 603.1, 603.2, 603.4, 603.5, 604, 604.1, 604.2, 604.3, 604.4, 604.5, 605, 605.2, 606, 606.1, 606.2, 606.4, 607, 607.1, 608, 608.1, 608.2, 608.3, 608.4, 608.5, 608.6, 609, 609.1, 609.2, 609.3, 609.4, 609.5, 609.6, 609.7, 610, 612, 613, 614.2, 614.4
 11/14/06 ADOPT: 902.9, 902.19, 906.1, 906.2, 906.3 AMEND: 901, 902, 902.4, 902.11,

902.12, 902.15, 902.18, 904, 904.1,
904.2, 904.7, 905, 905.2, 906 REPEAL:
904.3, 904.4, 904.5, 904.6

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12/26/06 AMEND: 1.161
12/14/06 AMEND: 1602, 1602.1, 1604, 1605,
1605.1, 1605.2, 1605.3, 1606, 1607,
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12/11/06 AMEND: 1605.3
09/13/06 AMEND: 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6,
1.7, 2, 2.1, 2.2, 2.3, 2.3.1, 2.4, 2.5, 2.6,
2.7, 3, 3.1, 3.2, 3.3, 3.4, 4, 5, 6, 6.1, 6.2,
6.3, 6.4, 6.5, 6.6, 7, 7.1, 8, 8.1, 8.2, 9, 10,
10.1, 11, 12, 13, 13.1, 13.2, 14, 14.1, 14.2,
14.3, 14.4, 14.5, 14.6, 14.7, 15, 15.1, 16,
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43.3, 43.4, 43.5, 43.6, 43.7, 43.8, 44,
44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 45, 46,
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51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 52, 53,
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61.1, 62, 63, 63.1, 63.2, 63.3, 63.4, 63.5,
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74.3, 74.4, 74.5, 74.6, 74.7, 75, 76, 76.71,
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